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TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

Subchapter C—Regulations and Standards Under Farm Products Inspection Act

PART 53—GRADING AND CERTIFICATION OF MEATS, PREPARED MEATS AND MEAT PRODUCTS

INSTRUCTIONS ON INSPECTION REQUIREMENTS

On July 15, 1949, a notice of rule making was published in the FEDERAL REGISTER (F. R. Doc. 49-5805; 14 F. R. 3919) regarding proposed instructions on inspection requirements for meats, prepared meats and meat products to be graded and certified under the regulations governing such grading and certification (7 CFR Part 53.1-53.42) pursuant to the Agricultural Marketing Act of 1946 (7 U. S. C. 1621-1627) and the so-called Farm Products Inspection Act consisting of the item for market inspection of farm products recurring each year in the annual appropriation act for the Department of Agriculture and currently found in the Department of Agriculture Appropriations Act, 1950 (7 U. S. C. Sup. 414). After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, pursuant to the authority contained in §§ 53.2 (l) and 53.3 of said regulations and in the above-mentioned statutory provisions, the following instructions are hereby adopted.

§ 53.3a *Instructions regarding inspection requirements concerning products to be graded*—(a) *Definitions for determining compliance with inspection requirements.* Under § 53.2 (l) products, to be eligible for grading service, must be prepared under Federal inspection or other official inspection acceptable to the Administrator. In determining such eligibility the following definitions shall apply.

(1) "Federal inspection" shall mean the meat inspection system conducted under the Meat Inspection Act of March 4, 1907, as amended (21 U. S. C. 71-91) and the regulations promulgated thereunder (9 CFR 1.1 et seq.).

(2) "Other official inspection acceptable to the Administrator" shall mean any meat inspection system which (i) is conducted under the authority of laws, ordinances, or similar enactments of the State, county, city, or other political subdivision in which is located the plant at which the products are prepared; and (ii) imposes at least the requirements set forth in paragraphs (b) and (c) of this section: *Provided*, That, no such inspection system shall be deemed acceptable to the Administrator with respect to any particular plant in which products to be graded are prepared if he finds at any time that such requirements are not adequately enforced with respect to such plant.

(b) *Requirements as to manner of inspection and operation of plant.* (1) The inspection shall be conducted by inspectors who are qualified veterinarians or who are supervised by qualified veterinarians. All such inspectors shall be employed and assigned by the State, county, city, or other political subdivision in which the plant is located.

(2) The inspection shall include antemortem and post-mortem inspection. The inspector shall examine each animal immediately prior to slaughter for the purpose of eliminating all unfit animals and segregating, for more thorough examination, all animals suspected of being affected with a condition which might influence their disposition on post-mortem inspection. The unfit animals shall not be permitted to enter the slaughtering department of the plant, and the suspected animals shall not be permitted to enter the slaughtering department until they shall have been found by veterinary inspection to be fit for slaughter. The suspected animals that are permitted to be slaughtered shall be handled separate and apart from the regular kill and given a special post-mortem examination.

(3) The post-mortem examination shall be made at the time the animals are slaughtered. The inspectors shall examine the cervical lymph glands, the skeletal lymph glands, the viscera and organs with their lymph glands, and all exposed surfaces of the carcasses of all cattle, calves, sheep, swine, and goats. Such examinations shall be conducted in

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the slaughtering department of the plant during the slaughtering operations.

(4) All of the operations in the slaughtering and allied departments of the plant shall be conducted in a clean and sanitary manner. Facilities shall be provided for the prompt cleaning and sterilization of any contaminated equipment.

(5) All diseased or otherwise unfit carcasses and parts of carcasses, including the viscera, shall be condemned and removed from the slaughtering department of the plant in equipment designated for that purpose, and shall be destroyed for food purposes under the supervision of an inspector. The disposition of all carcasses and parts thereof, including the viscera, shall be under the control of a veterinary inspector.

(6) Each carcass and part thereof which has been inspected and passed shall be stamped with an identifying mark assigned by the State, county, city, or other political subdivision, as the case may be, under the supervision of the inspector, and the marking device shall be

in the custody of the inspector at all times.

(c) *Requirements as to sanitation of plant and premises.* (1) (i) The plant and its facilities shall be well constructed, properly fitted and equipped for the purpose used, and so maintained that products intended for human food prepared therein will be clean, sound, healthful, and wholesome. The floors of the plant shall be smooth and impervious and so laid as to drain freely and rapidly to sewer connections. Walls and pillars in the slaughter rooms must be tight, smooth, and free from crevices and, with other parts, shall be kept clean.

(ii) Rooms used for condemned products, inedible offal, hides, and other materials and supplies likely to contaminate or render products inedible shall be completely partitioned from edible product departments and rooms except for one aperture to the slaughtering department. The aperture shall be equipped with a close-fitting door and shall be of sufficient size to allow ready and free passage of materials designated as unfit for human food and all equipment used therewith.

(2) Drainage and sewage disposal must be adequate to maintain the plant and premises in a sanitary condition.

(3) Ventilation shall be sufficient to insure that the atmosphere in rooms where edible product is kept is free from obnoxious odors emanating from inedible tank and offal rooms, catch basins, toilet rooms, hide cellars, refuse heaps, livestock pens, and similar sources. Lighting shall be adequately maintained in all rooms.

(4) The plant shall be provided with ample supplies of potable hot and cold water, with outlets conveniently located and equipped with faucets for hose connections, for ready use during slaughtering operations and for cleaning. Wash basins equipped with running hot and cold water, soap, and towels shall be placed in or near the dressing rooms and at such other places in the establishment as may be essential to insure cleanliness of all persons handling products. Water for sterilizing purposes shall be maintained at a temperature of at least 180° F.

(5) Toilet rooms shall not communicate directly with any room in which animals are killed or food products thereof are processed, handled, or stored. Dressing room facilities must be adequate for cleanliness and convenience.

(6) All departments in the plant must have adequate protection against flies, rodents and other vermin. However, the use of poisons for any purpose in rooms or compartments where any unpacked articles intended for human food are stored or handled is forbidden except under such restrictions and precautions as the chief veterinary inspector in charge of inspection at the plant may require. So-called rat viruses shall not be used in any part of the plant or its premises.

(7) Equipment and utensils used in the plant must be made of such material and be so constructed as to be readily and thoroughly cleaned, and shall be kept clean and in sanitary condition. Facilities must be provided for cleaning and sterilizing equipment, tools, and utensils.

(8) Barnyards, stock runs, pens, loading docks, and other facilities appurtenant to the plant shall be kept clean. No nuisance shall be allowed on the premises, such as fly breeding places, dead stock, rat infestation, cockroach infestation, rubbish heaps, decomposing animal material, polluted water supply, insanitary drainage disposal, leaking floors, or the like.

(d) *Definitions made applicable.* Definitions contained in § 53.2 of terms used in this section shall apply to such terms.

Effective date. The foregoing instructions shall become effective 30 days after publication hereof in the FEDERAL REGISTER.

(7 CFR 53.2 (l) and 53.3; 60 Stat. 1087, 7 U. S. C. 1621–1627; 7 U. S. C. Supp. 414)

Done at Washington, D. C. this 15th day of August 1949.

[SEAL] FRANK K. WOOLLEY,
Acting Administrator, Production and Marketing Administration.

[F. R. Doc. 49-6735; Filed, Aug. 17, 1949; 8:55 a. m.]

PART 53—GRADING AND CERTIFICATION OF MEATS, PREPARED MEATS, AND MEAT PRODUCTS

FEES AND OTHER CHARGES FOR GRADING AND CERTIFICATION

On July 20, 1949, a notice of proposed rule making was published in the FEDERAL REGISTER (14 F. R. 3919) regarding a proposed amendment of § 53.35 of the regulations governing the grading and certification of meats, prepared meats and meat products (7 CFR 53.35) under the Agricultural Marketing Act of 1946 (7 U. S. C. 1621–1627) and the so-called Farm Products Inspection Act consisting of the item for market inspection of farm products recurring each year in the annual appropriation act for the Department of Agriculture and currently found in the Department of Agriculture Appropriation Act, 1950 (Pub. Law 146, 81st Cong.; 7 U. S. C. Supp. 414) with respect to fees and other charges for such grading and certification. After due consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, pursuant to the authority contained in said statutory provisions, said § 53.35 is hereby amended to read as follows:

§ 53.35 *Fees and other charges for grading services.* Fees and other charges equal as nearly as may be to the cost of the grading services rendered shall be assessed and collected from applicants as follows:

(a) *Fees based on hourly rates.* Except as otherwise provided in this section, fees for grading services shall be based on the time actually required to render the services, including the time required for the travel of the official grader in connection therewith, and shall be at hourly rates prescribed from time to time by the Secretary. A minimum charge for one-half hour shall be made notwithstanding that the time required to perform the services may be less than thirty minutes.

(b) *Fees for grading services in unusual circumstances.* The Secretary may, in lieu of the fees that would be assessed under paragraph (a) of this section, establish other reasonable charges for grading services to be rendered in unusual circumstances, at rates that in his judgment will equal as nearly as may be the cost of the services.

(c) *Charges under cooperative agreements.* Charges for grading services under cooperative agreements shall be those prescribed by the Secretary under paragraph (a) of this section, unless otherwise stipulated in the agreements.

(d) *Fees for investigations of acceptability of inspection.* When an application is made for the institution of grading services on products prepared at a particular plant under inspection conducted by a State, county, city, or other political subdivision, or when an application is made for restoration of grading services previously withdrawn with respect to such products, there shall be charged in addition to the fees and charges otherwise chargeable under this section, such fees as may be prescribed by the Secretary to cover the cost of all investigations other than the first investigation which the Secretary may find are necessary to determine whether such inspection is acceptable under the regulations. No fees shall be charged for examinations conducted by the Administrator at plants previously found acceptable in order to determine whether the inspection requirements specified under the regulations are being adequately enforced at such plants.

(e) *Fees for appeal grading.* Fees for appeal grading shall be double those charged for the original grading services: *Provided,* That any fees charged under paragraph (d) of this section shall not be included in calculating the appeal grading fees: *And provided further,* That when on appeal grading it is found that there was error in the original grading equal to or exceeding ten percent of the total weight of the products graded no charge will be made for the appeal grading unless a special agreement therefor is made with the applicant in advance.

(f) *Charges for extra copies of grading certificates.* Upon payment of a fee of one dollar ($1.00) any financially interested party may obtain not to exceed three copies of a grading certificate in addition to copies of the certificates issued under § 53.21.

Effective date. The foregoing amendment shall become effective 30 days after publication hereof in the FEDERAL REGISTER.

(60 Stat. 1087, 7 U. S. C. 1621–1627; Pub. Law 146, 81st Cong., 7 U. S. C. Supp. 414)

Done at Washington, D. C., this 15th day of August 1949. Witness my hand and the seal of the United States Department of Agriculture.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 49-6715; Filed, Aug. 17, 1949; 8:49 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 989—HANDLING OF RAISINS PRODUCED FROM RAISIN VARIETY GRAPES GROWN IN CALIFORNIA

Sec.
989.0 Findings and determinations.
989.1 Definitions.
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AUTHORITY: §§ 989.0 through 989.14 issued under 48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U. S. C. 601 et seq.

§ 989.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and in accordance with the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR, Supps., 900.1 et seq.; 13 F. R. 8585), a public hearing was held at Fresno, California, December 13 through 16, 1948, upon a proposed marketing agreement and a proposed marketing order regulating the handling of raisins produced from raisin variety grapes grown in California. Upon the basis of the evidence adduced at such hearing, and the record thereof, it is found that:

(1) This order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) This order is applicable only to persons in the respective classes of industrial and commercial activities specified in the proposals upon which the hearing was held;

(3) There are no differences in the production and marketing of raisins in the production area covered by this order which make necessary different terms applicable to different parts of such area;

(4) The production area, as set forth in this order, is the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act;

(5) The handling of all raisins produced from raisin variety grapes grown in California is either in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce; and

(6) It is hereby found and proclaimed that the purchasing power of raisins during the period August 1909–July 1914 cannot be determined satisfactorily from available statistics of the United States Department of Agriculture, but the purchasing power of raisins for the period August 1919–July 1929 can be determined satisfactorily from available statistics of the United States Department of Agriculture, and the period last referred to is the period to be used in connection with the determination of the parity price of raisins under this order.

(b) *Additional findings.* It is necessary, in the public interest, to make this order effective not later than the date of its publication in the FEDERAL REGISTER. The production of raisins from raisin variety grapes will commence approximately August 15 and deliveries of raisins to handlers will start shortly thereafter. After the order becomes effective, and before it can become operative, it will be necessary for the Secretary to select, in turn, the members of the Raisin Advisory Board and the members of the Raisin Administrative Committee, and for the administrative committee and the Secretary to take various actions of both organizational and regulatory natures. It is essential that this program be operative as soon as raisins begin to move to handlers, in order that all such raisins may be subjected to regulation. In addition, prior to the institution of regulation, it is necessary that certain organizational actions be completed. Considerable time will be required for these actions to be taken. Since it would be difficult to distinguish raisins delivered prior to regulation from those delivered under regulation, failure to have the order operative by the time handlers receive raisins from producers or dehydrators would burden administration and tend to defeat the objectives of the order. The nature and provisions of the order are well known to handlers of raisins, since the public hearing was held in December 1948, and the recommended decision and the Secretary's decision were published in the FEDERAL REGISTER June 8, 1949 (14 F. R. 3083) and July 13, 1949 (14 F. R. 3858), respectively. All known interested persons have received copies of the regulatory provisions. Compliance with this order will require no advance preparation on the part of handlers prior to its becoming effective, but they will need to know as soon as possible the free, reserve, and surplus percentages to be determined pursuant to the provisions of the order after it becomes effective. It is hereby found and determined, in view of these facts and circumstances, that it would be contrary to the public interest to delay the effective date of this order for 30 days, or for any lesser time, after such publication. (See section 4 (c), Administrative Procedure Act, 60 Stat. 237.)

(c) *Determinations.* It is hereby determined that: (1) The marketing agreement regulating the handling of raisins produced from raisin variety grapes grown in California, upon which the aforesaid public hearing was held, has been executed by handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping raisins covered by this order) who handled not less than 50 percent of the volume of such raisins covered by this order;

(2) The issuance of this order is favored or approved by at least two-thirds of the producers who participated in a referendum on the question of its approval and who, during the determined representative period (June 1, 1948, through May 31, 1949), were engaged, within the State of California, in the production for market of raisin variety grapes; and

(3) The issuance of this order is favored or approved by producers who participated in a referendum on the question of its approval and who, during the aforesaid representative period, produced for market at least two-thirds of the volume of raisin variety grapes represented in such referendum and produced for market within the State of California.

Order relative to handling. It is, therefore, hereby ordered, that the handling of raisins produced from raisin variety grapes grown in California shall, from the effective time hereof, be in conformity to and in compliance with the terms and conditions of this order.

§ 989.1 *Definitions.* As used herein, the following terms have the following meanings:

(a) "Secretary" means the Secretary of Agriculture of the United States, or any other officer or employee of the United States Department of Agriculture who is, or who may hereafter be, authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

(b) "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

(c) "Person" means an individual, partnership, corporation, association, or any other business unit.

(d) "Area" means the State of California.

(e) "Raisin variety grapes" means grapes of the Thompson Seedless (or Sultanina), Muscat of Alexandria (or Muscat), Muscatel Gordo Blanco (or Muscat), Black Corinth (or Zante Currant), White Corinth (or Zante Currant), and Seedless Sultana (or Sultana), varieties grown in the area.

(f) "Raisins" means any raisin variety grapes from which a part of the natural moisture has been removed by sun-drying or artificial dehydration after such grapes have been removed from the vines.

(g) "Bleached raisins" means (1) any raisins which have been produced by soda dipping, with or without oil, whether sun-dried or artificially dehydrated, or (2) any raisins which have been produced by soda dipping, sulfuring, and sun-drying.

(h) "Golden bleached raisins" means raisins, the production of which includes soda dipping, sulfuring, and artificial dehydration.

(i) "Natural condition raisins" means raisins, the production of which includes sun-drying or artificial dehydration, with or without bleaching, but which have not been further processed to a point where they meet the conditions for "packed raisins" as defined in paragraph (j) of this section.

(j) "Packed raisins" means raisins which have been stemmed, graded, sorted, cleaned, or seeded, and placed in any container customarily used in the marketing of raisins or in any container suitable or usable for such marketing.

(k) "Varietal type" means natural (sun-dried) Thompson Seedless, natural (sun-dried) Muscat, natural (sun-dried) Sultana, natural (sun-dried) Zante Currant, artificially dehydrated Sultana, artificially dehydrated Zante Currant, Layer Muscat, Golden Bleached, Sulfur Bleached, Soda Dipped, or Valencia raisins.

(l) "Producer" means any person engaged, in a proprietary capacity, in the production of raisin variety grapes.

(m) "Dehydrator" means any person who produces raisins by dehydrating raisin variety grapes by means of artificial heat.

(n) "Processor" means any person who acquires natural condition raisins and uses them within the area, with or without other ingredients, in the production of a product other than raisins, for market or distribution.

(o) "Packer" means any person who acquires natural condition raisins and within the area stems, grades, sorts, cleans, or seeds them, and packages them for market as raisins.

(p) "Handler" means any person who ships natural condition raisins out of the area, or any processor or packer.

(q) "Acquire" means to obtain possession of raisins as the first handler thereof.

(r) "Board" means the Raisin Advisory Board established pursuant to § 989.2.

(s) "Committee" means the Raisin Administrative Committee established pursuant to § 989.3.

(t) "Ton" means a short ton of 2,000 pounds.

(u) "Crop year" means the 12-month period beginning with August 15 of any year and ending with August 14 of the following year: *Provided,* That the initial crop year shall begin with the effective time hereof.

(v) "District" means any one of the geographical areas referred to in subparagraph (1) of paragraph (a) of § 989.2 and specified in Exhibit A.

(w) "File" means transmit or deliver to the Secretary or committee, as the case may be, and such act shall be deemed to have been accomplished at the time: (1) Of actual receipt by the Secretary or committee in the event of personal delivery; (2) of receipt at the office of the telegraph company, in case submission is by telegram; or (3) shown by the postmark, in case submission is by mail.

§ 989.2 *Raisin Advisory Board—(a) Establishment, membership, and term of office.* (1) A Raisin Advisory Board is hereby established consisting of 46 members, of whom 36 shall represent producers, seven shall represent packers, two shall represent dehydrators, and one shall represent processors. The packer members of the board shall include the following: (i) One member selected from and representing packers doing business as cooperative marketing associations or cooperative organizations engaged in the business of packing raisins, but such member must be associated with a cooperative association or other cooperative organization which packed not less than 10 percent of the total raisin pack of the 12-month period preceding the then current crop year; (ii) two members selected from and representing packers other than cooperatives, each of whom packed not more than four percent of the total raisin pack of the 12-month period preceding the then current crop year; (iii) two members selected from and representing packers other than cooperatives, each of whom packed more than four percent, but not more than six and one-half percent, of the total raisin pack of the 12-month period preceding the then current crop year; and (iv) two members selected from and representing packers other than cooperatives, each of whom packed more than six and one-half percent of the total raisin pack of the 12-month period preceding the then current crop year. The 36 producer members shall be selected in the number and for the districts as set forth in Exhibit A, which is attached hereto and made a part hereof. For each member of the board, there shall be an alternate member, who shall have the same qualifications as the member for whom he is the alternate. No person shall be selected or continue to serve as a member or alternate member of the board, who is not actively engaged in the business of the group which he represents, either in his own behalf, or as an officer, agent, or employee of a business unit engaged in such business.

(2) One-third of the producer members and producer alternate members of the board initially selected hereunder by the Secretary shall hold office for a period beginning on a date to be designated by the Secretary and ending on April 30, 1950, and until the respective successors are selected and have qualified. One-third of the producer members and producer alternate members of the board initially selected hereunder by the Secretary shall hold office for a period beginning on a date to be designated by the Secretary and ending on April 30, 1951, and until the respective successors are selected and have qualified. One-third of the producer members and producer alternate members of the board initially selected hereunder by the Secretary shall hold office for a period beginning on a date to be designated by the Secretary and ending on April 30, 1952, and until the respective successors are selected and have qualified. The persons to hold office as producer members and producer alternate members for the respective terms of office specified above shall be determined by the drawing of lots by those persons selected by the Secretary as producer members and alternate members pursuant to paragraph (c) of this section, and the results of such drawings shall be filed promptly with the Secretary. The term of office of succeeding producer members and producer alternate members of the board shall be three years, but each such member and alternate member shall continue to serve until his respective successor is selected and has qualified.

(3) The term of office of the packer members, dehydrator members, and processor members, and their respective alternates, shall be three years, but each such member and alternate member shall continue to serve until his respective successor is selected and has qualified. The term of initial members and alternate members representing packers, dehydrators, and processors, shall begin on a date to be designated by the Secretary and end on April 30, 1952, but each such member and alternate member shall continue to serve until his respective successor is selected and has qualified.

(b) *Nomination.* (1) Nominations for each of the initial producer, packer, dehydrator, and processor members and alternate members of the board may be submitted to the Secretary by producers, packers, dehydrators, or processors, respectively; and such nominations may be made by means of meetings of groups of such persons. Such nominations shall be filed with the Secretary not later than 10 calendar days after the effective date hereof, but may be filed prior thereto. In the event nomination for a member or alternate member of the board is not filed pursuant hereto, and within the time specified herein, the Secretary may select such member or alternate member without regard to nomination, but such selection shall be on the basis of the producer, packer, dehydrator, and processor representations set forth in subparagraph (1) of paragraph (a) of this section.

(2) Nominations for successor members and alternate members of the board shall be made as hereinafter set forth:

(i) The board shall give reasonable advance notice of a meeting, or meetings, of producers, packers, dehydrators, and processors, respectively, for the purpose of making nominations for member and alternate member positions to be filled on the board: *Provided,* That, with respect to producer members and producer alternate members, a meeting, or meetings, shall be held in each respective district for which nominations are to be made to fill producer member and producer alternate member positions on the board. Such notice shall be given through publication in newspapers having general circulation in the area, and may be given through other channels, if the board deems it desirable.

(ii) Only producers who produced raisin variety grapes during the then current crop year in the respective district for which nominations are to be made may nominate, or vote for, any producer member or producer alternate member for such district. Any producer who produced raisin variety grapes during the then current crop year in any of the districts may be nominated to represent any district as producer member or producer alternate member of the board. One or more eligible producers for each producer member position to be filled on the board may be proposed for nomination and one or more eligible producers for each alternate member position to be filled may be proposed for nomination. Each producer shall cast only one vote with respect to each position for which nomination is to be made. The person receiving the

most votes with respect to each producer member or producer alternate member position shall be the person to be certified to the Secretary as the nominee for each such position.

(iii) Only packers who packed raisins during the then current crop year may nominate, or vote for, packer members or packer alternate members. One or more eligible packers for each packer member position to be filled may be proposed for nomination, and one or more eligible packers for each alternate member position to be filled on the board may be proposed for nomination. Each packer shall cast only one vote with respect to each position for which nomination is to be made: *Provided*, That only packers coming within the particular portion of the group, as specified in subparagraph (1) of paragraph (a) of this section, for which nomination is to be made, shall vote. The person receiving the most votes with respect to each packer member or packer alternate member position shall be the person to be certified to the Secretary as the nominee for each such position.

(iv) Only dehydrators who produced raisins by dehydrating raisin variety grapes during the then current crop year may nominate, or vote for, dehydrator members or dehydrator alternate members. One or more eligible dehydrators for each dehydrator member position to be filled on the board may be proposed for nomination, and one or more eligible dehydrators for each alternate member position may be proposed for nomination. Each dehydrator shall cast only one vote with respect to each position for which nomination is to be made. The person receiving the most votes with respect to each dehydrator member or dehydrator alternate member position shall be the person to be certified to the Secretary as the nominee for each such position.

(v) Only processors who processed raisins during the then current crop year may nominate, or vote for, the processor member or processor alternate member. One or more eligible processors for the processor member position to be filled on the board may be proposed for nomination, and one or more eligible processors for each alternate member position may be proposed for nomination. Each processor shall cast only one vote with respect to each position for which nomination is to be made. The person receiving the most votes with respect to the processor member or processor alternate member position shall be the person to be certified to the Secretary as the nominee for each such position.

(vi) Each vote cast shall be on behalf of the person voting, his agents, subsidiaries, affiliates, and representatives. Voting at each meeting shall be in person. The result of each ballot at each such meeting shall be announced at that meeting. Voting at each meeting of producers shall be by secret ballot, and at meetings of packers, dehydrators, and processors voting may be by secret ballot.

(vii) Each such nomination shall be certified by the board to the Secretary on or before April 5 immediately preceding the commencement of the term of office of the member or alternate member position for which the nomination is certified.

(c) *Selection.* The Secretary shall select producer, packer, dehydrator, and processor members and alternate members in the numbers and with the qualifications hereinabove specified. Such selections may be made from the nominations certified pursuant to paragraph (b) of this section, or from other producers, packers, dehydrators, and processors, but each such selection shall be made on the basis of the respective producer, packer, dehydrator, and processor representations and qualifications set forth in this section.

(d) *Failure to nominate.* In the event nomination for a member or alternate member position on the board is not certified pursuant to, and within the time specified in, this section, the Secretary may select such member or alternate member without regard to nomination, but such selection shall be on the basis of the respective producer, packer, dehydrator, and processor representations and qualifications set forth in this section.

(e) *Acceptance.* Each person selected by the Secretary as a member or as an alternate member of the board shall, prior to serving on the board, qualify by filing with the Secretary a written acceptance within 10 calendar days after being notified of his selection.

(f) *Alternate members.* The alternate for a member of the board shall act in the place and stead of such member (1) during his absence, and (2) in the event of his removal, resignation, disqualification, or death, until a successor for such member's unexpired term has been selected and has qualified.

(g) *Vacancies.* To fill any vacancy occasioned by the failure of any person selected as a member, or as an alternate member, of the board to qualify, or in the event of the removal, resignation, disqualification, or death of any member or alternate member, a successor for such person's unexpired term shall be nominated and selected in the manner set forth in this section, insofar as such provisions are applicable. If nomination to fill any vacancy is not filed within 20 calendar days after such vacancy occurs, the Secretary may fill such vacancy without regard to nomination, but on the basis of the applicable representations and qualifications set forth in this section.

(h) *Meetings.* The board shall meet on the first Monday in March of each year, and at other times at the call of its chairman. Reasonable advance notice of each meeting shall be given by mail addressed to each member and alternate member, and such notice shall be given as widespread publicity as is practicable. Notices of meetings shall specify the time, places, and general purposes thereof.

(i) *Duties.* The duties of the board shall consist of the conducting of meetings for the purpose of making nominations to fill vacancies on the board and the certifying of nominations made for such purpose to the Secretary, the making of nominations to the Secretary, as provided in § 989.3, for member and alternate member positions on the committee, the making of recommendations to the committee with respect to marketing policy, the free, reserve, and surplus percentages, and such other operational matters as it deems proper or as the committee may request.

(j) *Procedure.* (1) Except as otherwise provided herein, all decisions of the board shall be by majority vote of the members present. The presence of not less than 19 producer members and not less than five members other than producer members shall be required to constitute a quorum.

(2) The board shall give to the Secretary the same notice of meetings of the board as it gives to its members.

§ 989.3 *Raisin Administrative Committee*—(a) *Establishment.* A Raisin Administrative Committee is hereby established to administer the terms and provisions hereof. Such committee shall consist of 14 members, of whom eight shall represent producers (one of whom shall be a producer of raisin variety grapes used in the production of Golden Bleached raisins), four shall represent packers, one shall represent dehydrators, and one shall represent processors. Of the four packer members, one shall be selected from and represent each of the four following divisions of packers: (1) Packers doing business as cooperative marketing associations or cooperative organizations engaged in the business of packing raisins, but such member must be associated with a cooperative association or other cooperative organization which packed not less than 10 percent of the total raisin pack of the 12-month period preceding the then current crop year; (2) packers other than cooperatives, each of whom packed not more than four percent of the total raisin pack of the 12-month period preceding the then current crop year; (3) packers other than cooperatives, each of whom packed more than four percent, but not more than six and one-half percent, of the total raisin pack of the 12-month period preceding the then current crop year; and (4) packers other than cooperatives, each of whom packed more than six and one-half percent of the total raisin pack of the 12-month period preceding the then current crop year. For each member of the committee, there shall be an alternate member, who shall have the same qualifications as the member for whom he is the alternate. No person shall be selected, or continue to serve, as a member or alternate member of the committee, who is not actively engaged in the business of the group which he represents, either in his own behalf, or as an officer, agent, or employee of a business unit engaged in such business.

(b) *Term of office.* Members and alternate members of the committee shall each serve for terms of one year, beginning on June 1, and ending on May 31 of the following year, but each such member and alternate member shall continue to serve until his respective successor is selected and has qualified: *Provided*, That the term of office of initial members and alternate members shall

begin on a date to be designated by the Secretary.

(c) *Nomination.* The producer members of the board, and producer alternate members when acting as members, shall nominate from among the producer members and producer alternate members of the board eight persons for producer member positions on the committee and an alternate for each such person: *Provided,* That one of the persons nominated for a producer member position on the committee and his alternate shall be producers of raisin variety grapes used in the production of Golden Bleached raisins. The packer members of the board, and packer alternate members when acting as members, shall nominate from among the packer members and packer alternate members of the board four persons for packer member positions on the committee and an alternate for each such person: *Provided,* That such nominations shall be made on the basis of one member and one alternate member each for cooperative packers, and small, medium, and large packers, respectively, as provided in paragraph (a) of this section. The dehydrator members of the board, and dehydrator alternate members when acting as members, shall nominate from among the dehydrator members and dehydrator alternate members of the board one person for the dehydrator member position on the committee and an alternate for such person. The processor member of the board, or the processor alternate member when acting as member, shall nominate from the processor member and processor alternate member of the board one person for the processor member position on the committee and an alternate for such person. Nominations for initial members and alternate members of the committee shall be certified by the board to the Secretary not later than 10 calendar days after the establishment of the board. Nominations for successor members and alternate members of the committee shall be certified by the board to the Secretary annually on or before May 5 preceding the term for which they are to be selected.

(d) *Selection.* The Secretary shall select producer, packer, dehydrator, and processor members and alternate members of the committee in the numbers and with the qualifications hereinabove specified. Such selections may be made by him from the nominations certified pursuant to paragraph (c) of this section, or from other eligible producers, packers, dehydrators, and processors, but such selections shall be made on the basis of the respective producer, packer, dehydrator, and processor representations and qualifications set forth in this section.

(e) *Failure to nominate.* In the event any of the groups entitled hereunder to submit nominations to the Secretary shall fail to do so within 20 calendar days after the time specified in paragraph (c) of this section, the Secretary may select the particular members or alternate members of the committee without regard to nominations, but such selections shall be on the basis of the applicable producer, packer, dehydrator, and processor representations and qualifications set forth in this section.

(f) *Acceptance.* Each person selected by the Secretary as a member, or as an alternate member, of the committee shall, prior to serving on the committee, qualify by filing with the Secretary a written acceptance within 10 calendar days after being notified of such selection.

(g) *Alternate members.* An alternate for a member of the committee shall act in the place and stead of such member (1) during his absence, and (2), in the event of his removal, resignation, disqualification, or death, until a successor for such member's unexpired term has been selected and has qualified.

(h) *Vacancies.* To fill any vacancy occasioned by the failure of any person selected as a member, or as an alternate member, of the committee to qualify, or in the event of the removal, resignation, disqualification, or death of any member or alternate member, a successor for such person's unexpired term shall be nominated and selected in the manner set forth in this section, insofar as such provisions are applicable. If nomination to fill any such vacancy is not made within 20 calendar days after such vacancy occurs, the Secretary may fill such vacancy without regard to nominations, but on the basis of the applicable representations and qualifications set forth in this section.

(i) *Compensation and expenses.* The members of the committee and the board, and the alternate members when acting as members, shall serve without compensation, but shall be allowed their necessary expenses as approved by the committee.

(j) *Powers.* The committee shall have the following powers:

(1) To administer the terms and provisions hereof;

(2) To make rules and regulations to effectuate the terms and provisions hereof;

(3) To receive, investigate, and report to the Secretary, complaints of violations hereof; and

(4) To recommend to the Secretary amendments hereto.

(k) *Duties.* The committee shall have, among others, the following duties:

(1) To act as intermediary between the Secretary and any producer, packer, dehydrator, or processor;

(2) To keep minutes, books, and other records, which shall clearly reflect all of its acts and transactions, and such minutes, books, and other records shall be subject to examination by the Secretary at any time;

(3) To make, subject to approval by the Secretary, scientific and other studies, and assemble data on the producing, handling, shipping, and marketing conditions relative to raisins and raisin variety grapes, which are necessary in connection with the performance of its official duties;

(4) To submit to the Secretary such available information with respect to raisins and raisin variety grapes as he may request, or as the committee may deem desirable and pertinent;

(5) To select, from among its members, a chairman and other officers, and to adopt such rules and regulations for the conduct of its business as it may deem advisable;

(6) To appoint or employ such other persons as it may deem necessary, and to determine the salaries and define the duties of each such person;

(7) Prior to the beginning of each crop year, and not later than July 15 prior to such crop year, to submit to the Secretary a budget of its anticipated expenses, and the proposed assessments for such crop year, together with a report thereon: *Provided,* That, with respect to the initial crop year hereunder, the committee shall file such recommendation and supporting data with the Secretary as soon as practicable after the effective date hereof;

(8) To cause the books of the committee to be audited by one or more certified public accountants at least once each crop year, and at such other times as the committee may deem necessary or as the Secretary may request, and the report of each such audit shall show, among other things, the receipts and expenditures of funds, and at least two copies of each such audit shall be submitted to the Secretary;

(9) To prepare monthly statements of its financial operations and make such statements, together with the minutes of its meeting, available at the office of the committee for inspection by producers, packers, dehydrators, and processors; and

(10) To make advance public announcements of the times and places of its meetings.

(l) *Obligation.* Upon the removal, resignation, disqualification, or expiration of the term of office of any member or alternate member, such member or alternate member shall account for all receipts and disbursements and deliver to his successor, to the committee, or to a designee of the Secretary all property (including, but not limited to, all books and records) in his possession or under his control as member or alternate member, and he shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor, committee, or designee full title to such property and funds, and all claims vested in such member or alternate member. Upon the death of any member or alternate member of the committee, full title to such property, funds, and claims vested in such member or alternate member shall be vested in his successor, or, until such successor has been selected and has qualified, in the committee.

(m) *Procedure.* (1) All decisions of the committee shall be by majority vote of the members present. The presence of nine members shall be required to constitute a quorum.

(2) The committee shall give to the Secretary the same notice of its meetings as it gives to its members.

§ 989.4 *Regulation*—(a) *Marketing policy.* (1) The committee shall hold a meeting to formulate and adopt a marketing policy for the marketing of raisins for the ensuing crop year not later than July 5 preceding the beginning of such crop year: *Provided,* That,

with respect to the initial crop year hereunder, the committee shall hold a meeting for such purpose as soon as practicable after the effective date hereof.

(2) Within 10 days after the holding of each such meeting, the committee shall prepare a report setting forth its marketing policy with respect to the marketing of raisins during the crop year, and shall file such report, together with all data and information used by the committee in the formulation of such policy, with the Secretary. Such report shall also include the recommendations of the board. In the event the committee subsequently deems it advisable to modify such marketing policy, because of changed demand or supply conditions, it should hold a meeting for that purpose, and file a report thereof with the Secretary within five days after the holding of such meeting, which report shall show each modification, the reasons and bases therefor, as well as the recommendation of the board. The committee shall file with its report to the Secretary a verbatim record of that portion of its meeting or meetings, relating to its marketing policy.

(3) The committee shall give reasonable advance notice to producers, dehydrators, and handlers of each meeting to consider a marketing policy or any modifications thereof, and each such meeting shall be open to them. Such notice shall be given through publication in newspapers having general circulation in the area, and may be given through other channels, if the committee deems it desirable. The committee also shall give similar notice to producers, dehydrators, and handlers of each marketing policy report, or modification thereof, filed with the Secretary. Copies of all such reports shall be maintained in the office of the committee, where they shall be made available for examination by any producers, dehydrators, or handlers.

(b) *Recommendations for designation of percentages.* (1) If the committee concludes that the supply and demand conditions for raisins make it advisable to designate the percentages of raisins acquired by handlers in any crop year which shall be free tonnage, reserve tonnage, and surplus tonnage, respectively, it shall recommend such percentages to the Secretary: *Provided,* That such percentages shall not apply to raisins produced prior to August 15, 1949. The committee may recommend such percentages separately for each varietal type. Together with any recommendation with respect to percentages, the committee shall also submit the information on the basis of which such recommendation was made, and the recommendations of the board. In the event the committee subsequently deems it desirable to modify, suspend, or terminate any designation by the Secretary of such percentages, it shall submit to the Secretary its recommendation in that regard along with the information on the basis of which such modification, suspension, or termination is recommended, and the recommendation of the board. The committee shall file with its recommendation to the Secretary, a verbatim record of that portion of its meeting or meetings, relating to the free, reserve and surplus percentages.

(2) In determining any recommendation referred to in subparagraph (1) of this paragraph, the committee shall consider and analyze the following pertinent estimated factors: (i) The supply of raisins, comprising any carryovers of raisins from preceding crop years held by producers and handlers and the tonnage of raisins to be produced in the crop year under consideration; (ii) the trade demand during the crop year for raisins in normal market channels, both domestic and foreign; (iii) the current prices being received for raisins by producers and handlers; (iv) the trend and level of consumer income; (v) present and prospective price trends for raisins; and (vi) other pertinent economic and marketing factors relative to raisins.

(3) The committee shall give reasonable advance notice to producers, dehydrators, and handlers of each meeting to consider the recommendation of the percentages to be fixed pursuant to this section or any recommendation to modify, suspend, or terminate such percentages, and each such meeting shall be open to them. Such notice shall be given through publication in newspapers having general circulation in the area, and may be given through other channels, if the committee deems it desirable. The committee also shall give similar notice to producers, dehydrators, and handlers, of all such recommendations submitted to the Secretary.

(4) The original recommendation by the committee as to percentages with respect to any crop year shall be filed with the Secretary not later than the preceding July 15: *Provided,* That, with respect to the initial crop year hereunder, such recommendation shall be filed with the Secretary as soon as practicable after the effective date hereof.

(c) *Regulation by the Secretary.* (1) Whenever the Secretary finds from the recommendation and supporting information supplied by the committee, or from any other available information, that to designate the percentages of raisins acquired by handlers during any crop year which shall be free tonnage, reserve tonnage, and surplus tonnage, respectively, would tend to effectuate the declared policy of the act, he shall so designate the percentages of raisins acquired by handlers during such crop year which shall be free tonnage, reserve tonnage, and surplus tonnage, respectively: *Provided,* That such percentages shall not apply to raisins produced prior to August 15, 1949. In the event the Secretary subsequently finds from the recommendations and supporting information supplied by the committee, or from any other available information, that modification, suspension, or termination of any such designation will tend to effectuate the declared policy of the act, he shall so modify, suspend, or terminate such designation.

(2) The Secretary may designate separately for each varietal type of raisins acquired by handlers in any crop year, the percentages which shall be considered as free tonnage, reserve tonnage, and surplus tonnage, respectively.

(3) The Secretary shall notify the committee promptly of each such percentage so fixed. The committee, in turn, shall give prompt notice thereof to producers, dehydrators, and handlers, including, but not necessarily limited to, written notice by registered mail to each handler of whom the committee has a record.

(d) *Free tonnage.* The percentage of raisins acquired by a handler, which is designated as free tonnage, may be disposed of by him free of any restrictions hereunder, except for the keeping of records and the filing of reports pursuant to § 989.5, and the payment of assessments pursuant to § 989.6.

(e) *Reserve and surplus tonnage generally.* (1) Reserve and surplus tonnages acquired by each handler shall be held by him for the account of the committee, and subject to the applicable restrictions hereof.

(2) Each handler shall hold in storage all reserve and surplus tonnage acquired by him until he has been relieved of such responsibility by the committee, either by delivery to the committee, or otherwise. Such handler shall store such reserve and surplus tonnage in such a manner as will maintain the raisins in the same condition as when he acquired them, except for normal and natural deterioration and shrinkage, and except for loss through fire, acts of God, force majeure, or other conditions beyond the handler's control. The committee may, after giving reasonable notice, require a handler to deliver to it, or to any one designated by it, at such handler's warehouse or at such other place as the raisins may be stored, part or all of the reserve tonnage or surplus tonnage raisins held by him. The committee may require that such delivery consist of natural condition raisins, or it may arrange for such delivery to consist of packed raisins.

(3) Each handler shall have in his possession, or under his control, at all times, a quantity of raisins equal to the aggregate quantity of reserve and surplus tonnage referable to his acquisitions of raisins, less any quantity of such reserve or surplus tonnage delivered by him pursuant to instructions of the committee and any quantity of such tonnage acquired by him but subsequently sold to him by the committee: *Provided,* That the committee may defer, upon the written request of any handler and for good and sufficient cause, the meeting by such handler of such requirement for a specified period ending not later than November 15 of the particular crop year. As a condition to the granting of any such deferment, the committee shall require the handler to obtain and file with it a written undertaking that by the end of the deferment period he will have fully satisfied his obligation with respect to the holding or control by him of the reserve and surplus tonnages applicable to his acquisitions of raisins. Such undertaking shall be secured by a bond or bonds to be filed with and acceptable to the committee, with surety or sureties satisfactory to the committee, running in favor of the committee and the Secretary, and for an amount computed on the basis of the then current market

value of the raisins in the quantity for which the deferment is granted. The cost of such bond shall be borne by the handler filing same. Any sums collected through default of a handler on his bond shall, after reimbursement of the committee for any expenses incurred by it in effecting collection, be deposited with the funds obtained by it from the disposition of the reserve and surplus pools and disbursed by it to producers as set forth in subparagraph (7) of this paragraph. In addition to the foregoing, the committee may establish other reasonable and necessary terms and conditions upon which such deferments may be granted.

(4) Reserve tonnage and surplus tonnage delivered by any handler to the committee, or to any person designated by it, whether in the form of natural condition raisins or packed raisins shall meet such minimum grade requirements as may be prescribed by the committee with the approval of the Secretary, which requirements for natural condition raisins shall be prescribed as soon as is reasonably practicable: *Provided*, That, pending the prescribing of such requirements, packed raisins shall meet the minimum grade requirements for the respective varieties and types set forth in Exhibit B, which is attached hereto and made a part hereof. Separate minimum grade requirements shall be prescribed by the committee for natural condition raisins and for packed raisins. Different minimum grade requirements may be established for reserve tonnage and for surplus tonnage, as well as for the individual varietal types in these tonnages. Such minimum grade requirements, when once put into effect, shall remain in effect unless and until they are modified, suspended, or terminated.

(5) In the event the committee offers reserve or surplus tonnage raisins to handlers for sale, or for contract packing, each handler shall be given the first opportunity to purchase or pack his share of the offer, which share shall be determined as the same proportion that the respective reserve or surplus tonnage held by him is of the respective reserve or surplus tonnage held by all handlers: *Provided*, That any reserve or surplus tonnage for which a deferment has been granted to a handler pursuant to the provisions and as authorized in subparagraph (3) of this paragraph shall be included in his holdings of the respective reserve or surplus tonnage in determining his share. In the event that any handler declines or fails to purchase or contract for packing any or all of his share of any such offer, the remaining portion thereof shall be reoffered by the committee to all handlers who purchased or contracted for packing all of their respective shares of such offer, in proportion to their respective shares. Any quantity of reserve or surplus tonnage remaining unsold or not contracted for packing after a reoffer shall be withdrawn from the particular offer.

(6) Handlers shall be compensated for receiving, storing, and handling reserve and surplus tonnage held by them for the account of the committee, in accordance with a schedule of payments established by the committee and approved by the Secretary.

(7) The committee shall have the authority, in its discretion, to obtain loans, nonrecourse or otherwise, on any part, or all, of the reserve tonnage or surplus tonnage, or both, and to pledge or hypothecate the raisins on which such loans are obtained as security therefor: *Provided*, That, in every such case, there shall be included in the loan agreement a provision to the effect that, in case the lender obtains possession or control of such raisins, he will dispose of them in such a manner as will not tend to defeat the objectives hereof. The net proceeds of any such loan shall be distributed by the committee to the respective producers, or their successors in interest, on the basis of the volume of their respective contributions to the pooled raisins of each varietal type on which the loan is obtained. The net proceeds from the disposition of reserve and surplus tonnages of raisins of each varietal type shall be distributed by the committee to the respective producers, or their successors in interest thereto, on the basis of the volume of their respective contributions to the reserve and surplus tonnages of such varietal type. Distribution of the proceeds in connection with the reserve and surplus tonnages contributed by a nonprofit cooperative marketing association which has authority to market the raisins of its members and to allocate the proceeds therefrom to such members shall be made to such association. Advance or progress payments may be made by the committee, in conformity with the provisions of this subparagraph, as sufficient funds become available.

(8) The committee may establish, from time to time, with the approval of the Secretary, additional procedures, not inconsistent with the provisions hereof, which are deemed necessary to effectuate the provisions of this paragraph and of paragraphs (f), (g), and (h) of this section.

(f) *Special provisions relative to reserve tonnage.* (1) The committee may sell reserve tonnage to handlers so as to provide them with the quantity which is needed to meet overall commercial trade requirements in the event that such requirements cannot be fulfilled by the total free tonnage: *Provided*, That no such sale of bleached raisins or Golden Bleached raisins shall be made prior to November 1 of the particular crop year, nor of other raisins prior to December 1 of such crop year. Any such quantities made available for such sale to handlers shall be offered to them pro rata as required by the provisions of subparagraph (5) of paragraph (e) of this section.

(2) Reserve tonnage of any varietal type shall not be sold at a price below that which the committee concludes reflects the average price received by producers for free tonnage of the same varietal type purchased by handlers during the current crop year up to the time of any offer for sale of reserve tonnage by the committee, to which shall be added the costs incurred by the committee on account of the receiving, storing, insuring, and holding of said raisins. The committee shall file, by telegram or air mail letter, with the Secretary, five days prior to making any offer to sell reserve tonnage raisins, information relating to the quantity of raisins to be offered and the estimated price or prices at which such raisins are to be offered. The Secretary shall have the right to disapprove the making of such an offer or any price at which reserve tonnage raisins may be offered for sale.

(3) All reserve tonnage not disposed of by the committee prior to June 1 of any crop year shall, on June 1, and any reserve tonnage acquired between June 1 and the end of the crop year shall, at the time of acquisition, become surplus tonnage and subject to the provisions hereof relating to surplus tonnage.

(g) *Special provisions relating to surplus tonnage.* (1) The committee may dispose of surplus tonnage raisins by sale, gift, or otherwise: *Provided*, That such disposition shall be limited to outlets which the committee finds will not interfere with the normal marketing of raisins or raisin variety grapes. The committee shall dispose of: (i) All surplus tonnage held by it or for its account on March 1 of any crop year within 60 calendar days subsequent thereto; and (ii) any surplus tonnage raisins acquired between March 1 and the end of such crop year, or any reserve tonnage which becomes surplus tonnage during such period, within 60 calendar days after acquisition or after becoming surplus, as the case may be.

(2) The provisions of subparagraph (5) of paragraph (e) and of this paragraph shall not restrict, or be deemed to restrict, any sale of surplus tonnage by the committee to the United States Government or to any agency thereof, for school lunch and institutional feeding, export, domestic relief feeding, or other noncompetitive uses.

(h) *Substitution for Layer Muscats.* A handler may substitute an equal quantity of natural (sun-dried) Muscat or Valencia raisins for any portion or all of the reserve and surplus tonnage referable to his acquisitions of Layer Muscat raisins: *Provided*, That he shall have made arrangements satisfactory to each producer of the Layer Muscat raisins for such substitution. The handler shall report promptly to the committee any such substitution.

(i) *Damaged raisins.* As soon as practicable after the effective date hereof, the committee shall, with the approval of the Secretary, establish regulations and procedures to provide for the handling and disposition of that portion of the raisin production in any crop year which may be damaged substantially by rain or other natural causes. Such regulations and procedures may provide for, but are not limited to, the handling and disposition of such damaged raisins, free from any or all of the provisions hereof. Such regulations and procedures shall be put into operation in the event the committee concludes, and such conclusions are confirmed by the Secretary, that a portion of the raisin production has been damaged substantially and that it is necessary to invoke such regulations and procedures.

§ 989.5 *Reports and records*—(a) *Report of carryover.* Each handler shall, upon request of the committee, file promptly with the committee a certified report, of all natural condition raisins and packed raisins, separately, which were held by him on July 1 of any crop year, which report also shall show the quantity of each varietal type, and the locations thereof: *Provided,* That such report for the initial crop year hereunder shall, upon request of the committee, be filed as soon as practicable after the effective date hereof, and shall show the required information as of the effective date hereof.

(b) *Other reports.* Each handler shall file with the committee a certified report, for each week, showing, with respect to his acquisitions of each varietal type of raisins during the particular week covered by such report: (1) The total quantity acquired, (2) the reserve and surplus tonnages, separately, referable to his acquisitions of raisins; (3) the locations of such reserve and surplus tonnages; and (4) cumulative totals of such acquisitions from the beginning of the then current crop year to and including the end of the week for which the report is made. Each such weekly report shall be filed not later than Wednesday of the week following the week which is covered by such report. Upon request of the committee, each handler shall furnish to the committee, in such manner and at such times as it may prescribe, the name and address of each person from whom he acquired raisins and the quantity of each varietal type of raisins acquired from each such person. Also, upon the request of the committee with the approval of the Secretary, each handler shall furnish to the committee such other information as may be necessary to enable the committee to exercise its powers and perform its duties hereunder.

(c) *Confidential information.* All reports and records furnished or submitted by a handler to the committee shall be received by, and at all times kept under the custody or control of, one or more employees of the committee, who shall disclose to no person, except the Secretary upon request therefor or to the committee in connection with its investigations of alleged violations, data or information obtained or extracted therefrom which would constitute a trade secret or the disclosure of which might affect the trade position, financial condition, or business operations of the particular handler from whom received: *Provided,* That the committee may require such an employee to disclose to it, or to any person designated by it or by the Secretary, information and data of a general nature, compilations of data affecting handlers as a group, and any data affecting one or more handlers, so long as the identity of the individual handlers involved is not disclosed.

(d) *Records.* Each handler shall maintain such records of all raisins acquired by him as prescribed by the committee. Such records shall include, but not be limited to, the quantity of raisins of each varietal type acquired from each person and the name and address of each such person, total acquisitions, total sales, and total other disposition of each varietal type which he handles.

(e) *Verification of reports.* For the purpose of checking and verifying reports filed by handlers, the committee, through its duly authorized representatives, shall have access to any handler's premises during regular business hours, and shall be permitted at any such times to inspect such premises and any raisins held by such handler, and any and all records of the handler with respect to the holding or disposition of raisins by him. Each handler shall furnish all labor and equipment necessary to make such inspections. Each handler shall store raisins in a manner which will facilitate inspection, and shall maintain storage records which will permit accurate identification of raisins held by him or theretofore disposed of. Insofar as is practicable and consistent with the carrying out of the provisions hereof, all data and information obtained or received through checking and verification of reports shall be treated as confidential information.

§ 989.6 *Expenses and assessments*—(a) *Expenses.* The committee is authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by it during each crop year, for the maintenance and functioning of the committee (exclusive of direct expenses for the maintenance and disposition of the reserve tonnage and surplus tonnage), and the board. The recommendation of the committee as to these expenses for each such crop year, together with all data supporting such recommendation, shall be filed with the Secretary on or before July 15 preceding the crop year in connection with which such recommendation is made: *Provided,* That, with respect to the initial crop year hereunder, the committee shall file such recommendation and supporting data with the Secretary as soon as practicable after the effective date hereof. The funds to cover such expenses shall be obtained by levying assessments as hereinafter provided.

(b) *Assessments.* Each handler shall, with respect to all free tonnage acquired by him and all reserve tonnage sold to him pursuant to paragraph (f) of § 989.4, pay to the committee, upon demand, his pro rata share of the expenses (exclusive of direct expenses for the maintenance and disposition of the reserve tonnage and surplus tonnage) which the Secretary finds will be incurred, as aforesaid, by the committee during each crop year: *Provided,* That no assessment shall be levied on raisins produced prior to August 15, 1949. Each handler's pro rata share of such expenses shall be equal to the ratio between the total free tonnage acquired by such handler plus all reserve tonnage sold to him pursuant to paragraph (f) of § 989.4, during the applicable crop year, and the total free tonnage acquired by all handlers plus all reserve tonnage sold to all handlers pursuant to paragraph (f) of § 989.4, during the same crop year. The Secretary shall fix the rate of assessment to be paid by such handler on the basis of a specified rate per ton. At any time during or after a crop year, the Secretary may increase the rate of assessment to apply to all free tonnage acquired plus all reserve tonnage sold to handlers pursuant to paragraph (f) of § 989.4 during such crop year to obtain sufficient funds to cover any later finding by the Secretary relative to the expenses of the committee. Each handler shall pay such additional assessment to the committee upon demand. In order to provide funds to carry out the functions of the committee and the board, the committee may accept advance payments from any handler to be credited toward such assessments as may be levied hereunder against the respective handler during the crop year.

(c) *Accounting.* (1) If, at the end of any crop year, the assessments collected for such crop year exceed the expenses incurred with respect to such crop year, each handler's share of such excess shall be credited to him against the operations of the following crop year, unless such handler demands payment thereof, in which case his share shall be paid to him.

(2) The committee may, with the approval of the Secretary, maintain in its own name or in the name of its members, a suit against any handler for the collection of such handler's pro rata share of the expenses.

(d) *Direct expenses of reserve and surplus tonnage operations.* The committee is authorized to incur such direct expenses as the Secretary finds are reasonable and are likely to be incurred by the committee in discharging its obligations, pursuant hereto, with respect to reserve and surplus tonnage. All such direct expenses shall be deducted from the proceeds obtained by the committee from the sale or other disposal of such reserve and surplus tonnage.

(e) *Funds.* All funds received by the committee pursuant to the provisions hereof shall be used solely for the purposes herein authorized and shall be accounted for in the manner herein provided. The Secretary may, at any time, require the committee and its members and alternate members to account for all receipts and disbursements.

§ 989.7 *Personal liability.* No member or alternate member of the committee or any employee or agent thereof shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or any person, for errors in judgment, mistakes, or other acts either of commission or omission, as such member, alternate member, employee, or agent, except for acts of dishonesty.

§ 989.8 *Separability.* If any provision hereof is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder hereof or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

§ 989.9 *Derogation.* Nothing contained herein is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers

granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 989.10 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue hereof shall cease upon the termination hereof, except with respect to acts done under and during the existence hereof.

§ 989.11 *Agents.* The Secretary may, by a designation in writing, name any person, including any officer or employee of the United States Government, or name any bureau or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions hereof.

§ 989.12 *Effective time, termination or suspension*—(a) *Effective time.* The provisions hereof, as well as any amendments hereto, shall become effective at such time as the Secretary may declare, and shall continue in force until terminated, or during suspension, in one of the ways hereinafter specified.

(b) *Suspension or termination.* (1) The Secretary may, at any time, terminate the provisions hereof by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(2) The Secretary shall terminate or suspend the operation of any or all of the provisions hereof, whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(3) The Secretary shall terminate the provisions hereof at the end of any crop year whenever he finds that such termination is favored by a majority of the producers of raisin variety grapes, who, during a representative period determined by the Secretary, have been engaged in the production for market of raisin variety grapes in the State of California: *Provided,* That such majority have, during such representative period, produced for market more than 50 percent of the volume of such raisin variety grapes produced for market within said State; but such termination shall be effective only if announced on or before August 14 of the then current crop year.

(4) The provisions hereof shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

(c) *Proceedings after termination.* (1) Upon the termination of the provisions hereof, the members of the committee then functioning shall continue as joint trustees, for the purpose of liquidating the affairs of the committee, of all funds and property then in the possession or under the control of the committee, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(2) Said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and the joint trustees, to such person as the Secretary may direct; and shall, upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the committee or the joint trustees pursuant hereto.

(3) Any person to whom funds, property or claims have been transferred or delivered by the committee or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of the said committee and upon said joint trustees.

§ 989.13 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination hereof or any regulation issued pursuant hereto, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision hereof or any regulation issued hereunder, (b) release or extinguish any violation hereof or of any regulation issued hereunder, or (c) affect or impair any rights or remedies of the Secretary or of any other person, with respect to any such violation.

§ 989.14 *Amendments.* Amendments hereto may be proposed from time to time, by any person or by the committee.

EXHIBIT A—PRODUCER MEMBERS OF THE RAISIN ADVISORY BOARD

One member for each of the following districts in Fresno County:

CLOVIS—DISTRICT NO. 1

All of T. 12 S., R. 20 E. in said county; all of T. 11 S., R. 20 E. in said county; all of T. 11 S., R. 21 E. in said county; all of T. 12 S., R. 21 E.; all of T. 12 S., R. 22 E.; Secs. 1, 2, 11, 12, 13, and 14 of T. 13 S., R. 20 E.; Secs. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 21, 22, 23, 24, 25, 26, 27, 28, 33, 34, 35, and 36 of T. 13 S., R. 21 E.; and Secs. 4, 5, 6, 7, 8, 9, 18, 19, 30, and 31 of T. 13 S., R. 22 E.

KERMAN—DISTRICT NO. 2

All of T. 13 S., R. 14 E. in said county; all of T. 13 S., R. 15 E. in said county; all of T. 13 S., R. 16 E. in said county; all of T. 13 S., R. 17 E. in said county; Secs. 30 and 31 of T. 13 S., R. 18 E.; all of T. 14 S., R. 14 E.; all of T. 14 S., R. 15 E.; all of T. 14 S., R. 16 E.; all of T. 14 S., R. 17 E.; all of T. 14 S., R. 18 E.; the west two-thirds of T. 14 S., R. 19 E.; all of T. 15 S., R. 14 E.; all of T. 15 S., R. 15 E.; all of T. 15 S., R. 16 E.; all of T. 15 S., R. 17 E.; and all of T. 15 S., R. 18 E.

BIOLA—DISTRICT NO. 3

All of T. 13 S., R. 18 E. in said county, except Secs. 30 and 31; all of T. 12 S., R. 19 E. in said county; and all of T. 13 S., R. 19 E., except Secs. 25, 26, 27, 28, 33, 34, 35, and 36.

FRESNO—DISTRICT NO. 4

Secs. 25, 26, 27, 28, 33, 34, 35, and 36, T. 13 S., R. 19 E.; all of T. 13 S., R. 20 E., except Secs. 1, 2, 11, 12, 13, and 14; Secs. 19, 20, 29, 30, 31, and 32 of T. 13 S., R. 21 E.; the east one-third of T. 14 S., R. 19 E.; all of T. 14 S., R. 20 E.; and Secs. 5, 6, and 7 of T. 14 S., R. 21 E.

SANGER—DISTRICT NO. 5

The east one-half and Secs. 16, 17, 20, 21, 28, 29, 32, and 33, T. 13 S., R. 22 E.; all of T. 13 S., R. 23 E. lying north and west of the east channel of Kings River; all of T. 14 S., R. 23 E. lying west of the east channel of Kings River; and Secs. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 35, and 36, T. 14 S., R. 22 E.

LONE STAR—DISTRICT NO. 6

All of T. 14 S., R. 21 E., except Secs. 5, 6, 7, and 36.

EASTON-OLEANDER—DISTRICT NO. 7

The north one-half of T. 15 S., R. 19 E.; the north two-thirds of T. 15 S., R. 20 E., except Sec 19; and Secs. 6, 7, 18, and 19, T. 15 S., R. 21 E.

FOWLER—DISTRICT NO. 8

The south one-half of Sec. 1, and Secs. 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 26, 27, 28, 29, and 33, T. 15 S., R. 21 E.; and Sec. 18, T. 15 S., R. 22 E.

DEL REY—DISTRICT NO. 9

Secs. 29, 30, 31, 32, 33, and 34, T. 14 S., R. 22 E.; Sec. 36, T. 14 S., R 21 E; the north one-half of Sec. 1, T. 15 S., R. 21 E.; and Secs. 2, 3, 4, 5, 6, 7, 8, 9, 10, 16, and 17, T. 15 S., R. 22 E.

PARLIER—DISTRICT NO. 10

All of Secs. 4, 9, 16, and 21 lying west of Kings River, and all of Secs. 5 and 6 lying west and south of Kings River, and Secs. 7, 8, 17, 18, 19, 20, 29, 30, 31, and 32, T. 15 S., R. 23 E.; Secs. 1, 11, 12, 13, 14, 15, 21, 22, 23, 24, 25, 26, 27, 35, and 36, T. 15 S., R. 22 E.; and Secs. 5 and 6, T. 16 S., R. 23 E.

REEDLEY—DISTRICT NO. 11

All of T. 13 S., R. 24 E., lying east and south of the east channel of Kings River; all of T. 13 S., R. 23 E., lying east and south of the east channel of Kings River; all of T. 14 S., R. 23 E., lying east and south of the east channel of Kings River; T. 14 S., R. 24 E.; T. 14 S., R. 25 E., all of T. 15 S., R. 23 E., lying east of the east channel of Kings River; all of Secs. 28 and 29, T. 15 S., R. 23 E., lying west of Kings River; and T. 15 S., R. 24 E.

KINGSBURY—DISTRICT NO. 12

Secs. 11, 12, 13, 14, 15, 21, 22, 23, 27, 28, 33, T. 16 S., R. 22 E., and that portion of Sec. 34, T. 16 S., R. 22 E., lying within said county; Sec. 7, T. 16 S., R. 23 E., and those portions of Secs. 8 and 18, T. 16 S., R. 23 E., lying within said county; and those portions of Secs. 4, 5, 8, and 18, T. 17 S., R. 22 E., lying within said county.

SELMA—DISTRICT NO. 13

Secs. 25, 34, 35, and 36, T. 15 S., R. 21 E.; Secs. 19, 20, 28, 29, 30, 31, 32, 33, and 34, T. 15 S., R. 22 E.; Secs. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 16, 17, 18, 19, 20, 29, 30, 31, and 32, T. 16 S., R. 22 E.; the east one-half of T. 16 S., R. 21 E.; Secs. 1 to 23, both inclusive, T. 17 S., R. 21 E. and that part of Sec. 24, T. 17 S., R. 21 E., lying within said county; and Secs. 6, and 7, T. 17 S., R. 22 E.

MONMOUTH—DISTRICT NO. 14

Secs. 25, 26, 27, 34, 35, and 36, T. 15 S., R. 20 E., Secs. 30, 31, and 32, T. 15 S., R. 21 E.; and the west one-half of T. 16 S., R. 21 E.

CARUTHERS—DISTRICT NO. 15

The south one-half of T. 15 S., R. 19 E.; Secs. 19, 28, 29, 30, 31, 32, and 33, T. 15 S., R. 20 E.; T. 16 S., R. 15 E.; T. 16 S., R. 16 E.; T. 16 S., R. 17 E.; T. 16 S., R. 18 E.; T. 16 S., R. 19 E.; T. 16 S., R. 20 E.; T. 17 S., R. 16 E.; T. 17 S., R. 17 E.; T. 17 S., R. 18 E.; T. 17 S., R. 19 E.; T. 17 S., R. 20 E.; T. 18 S., R. 16 E.; T. 18 S., R. 17 E.; T. 18 S., R. 18 E.; T. 19 S., R. 17 E.; T. 19 S., R. 18 E.; T. 20 S., R. 17 E.; and all of T. 20 S., R. 18 E., lying within said county.

Three members for District No. 16 (Kings, Monterey, and San Benito Counties.)

Five members for District No. 17 (Tulare and Inyo Counties.)

Three members for District No. 18 (Kern, San Bernardino, Riverside, Imperial, San Diego, Orange, Los Angeles, Ventura, Santa Barbara, and San Luis Obispo Counties.)

Three members for District No. 19 (Madera and Mono Counties.)

Three members for District No. 20 (Merced, Tuolumne, and Mariposa Counties.)

Three members for District No. 21 (Stanislaus, Santa Clara, San Francisco, San Mateo, Santa Cruz, Alameda, Contra Costa, Calaveras, and Alpine Counties.)

One member for District No. 22 (San Joaquin, Marin, Solano, Sacramento, Amador, Eldorado, Placer, Nevada, Sutter, Yolo, Napa, Sonoma, Mendocino, Lake, Colusa, Yuba, Sierra, Plumas, Butte, Glenn, Tehama, Shasta, Lassen, Modoc, Siskiyou, Del Norte, Humboldt, and Trinity Counties.)

EXHIBIT B—MINIMUM GRADE REQUIREMENTS FOR PROCESSED RAISINS

DEFINITION

Processed raisins are dried grapes of the Vinifera varieties—Thompson Seedless (Sultanina), Muscat of Alexandria, Muscatel Gordo Blanco, Sultana, Black Corinth, or White Corinth—which have been properly stemmed, capstemmed, and cleaned.

TYPES AND VARIETIES

Type I Thompson Seedless (Sultanina):
(a) Unbleached (sun-dried).
(b) Sulfur Bleached and Golden Bleached.
(c) Soda Dipped.

Type II Muscat:
(a) Seeded (seeds removed).
(b) Unseeded (loose).
(c) Soda Dipped Unseeded (Valencia).

Type III Sultana.

Type IV Zante Currants:
(a) Black Zante (Black Corinth).
(b) White Zante (White Corinth).

MOISTURE

Type IIa (Muscat Seeded Raisins) shall contain not more than 19 percent, by weight, of moisture. All other types of raisins specified above shall contain not more than 18 percent, by weight, of moisture.

GRADE

Thompson Seedless raisins shall possess similar varietal characteristics, possess a fairly good typical color in Thompson Seedless Unbleached and Soda Dipped raisins, show development characteristic of raisins prepared from fairly well-matured grapes, and meet the following requirements:

Not more than 35 capstems and not more than three pieces of stem per pound of raisins may be present;

Not more than three percent by weight or raisins may be poorly developed, blowovers;

Not more than five percent by weight of raisins may be damaged;

Not more than 15 percent by weight of raisins may be visibly sugared; and

Not more than five percent by weight of raisins may be affected by mold, decay, fermentation, insect infestation (no live insects are permitted), imbedded dirt, or other foreign material: *Provided,* That not more than two percent by weight may be affected by decay.

Muscat raisins shall possess similar varietal characteristics, possess a fairly good typical color with not more than 20 percent by weight of dark reddish-brown berries in Muscat Soda Dipped Unseeded (Valencia) raisins, show development characteristic of raisins prepared from fairly well-matured grapes, and meet the following requirements:

Not more than 20 capstems and not more than three pieces of stem per pound of raisins may be present;

Not more than 20 seeds per pound of raisins in Muscat Seeded raisins may be present;

Not more than three percent by weight of raisins may be poorly developed, blowovers;

Not more than five percent by weight of raisins may be damaged;

Not more than 15 percent by weight of raisins may be visibly sugared; and

Not more than five percent by weight of raisins may be affected by mold, decay, fermentation, insect infestation (no live insects are permitted), imbedded dirt, or other foreign material: *Provided,* That not more than two percent by weight may be affected by decay.

Sultana raisins shall possess similar varietal characteristics, possess a fairly good typical color, show development characteristic of raisins prepared from fairly well-matured grapes, and meet the following requirements:

Not more than 65 capstems and not more than three pieces of stem per pound of raisins may be present;

Not more than three percent by weight of raisins may be poorly developed, blowovers;

Not more than five percent by weight of raisins may be damaged;

Not more than 15 percent by weight of raisins may be visibly sugared; and

Not more than five percent by weight of raisins may be affected by mold, decay, fermentation, insect infestation (no live insects are permitted), imbedded dirt, or other foreign material: *Provided,* That not more than two percent by weight may be affected by decay.

Zante Currants shall be generally pliable, generally meaty and plump, fairly well developed, possess a good, typical color, and meet the following requirements:

Not more than two percent by weight of capstems and not more than three pieces of stem per pound may be present;

Not more than two percent by weight may be poorly developed, hard, immature berries, blowovers, or shells;

Not more than three percent by weight may be damaged;

Not more than 10 percent by weight may be visibly sugared; and

Not more than two percent by weight may be "B" berries.

COLOR OF THOMPSON SEEDLESS SULFUR BLEACHED AND GOLDEN BLEACHED RAISINS

Extra choice color. Fairly uniform amber color which may range from light yellow or greenish yellow to amber or greenish amber and with not more than 10 percent by weight of definitely dark berries.

EXPLANATION OF TERMS

"Capstems" means small woody stems exceeding one-eighth inch in length which attach the raisins to the branches of the bunch.

A "piece of stem" means a portion of the branch or main stem.

"Seeds" refer to the whole, fully developed seeds which have not been removed during the processing of Type II (a), Muscat Seeded raisins.

"Poorly developed, blowovers" refers to berries that are immature, contain very little meat, are light in weight, and those that have very coarse wrinkles.

"Damaged" raisins means raisins affected by insect injury or injury from sunburn, scars, mechanical or other means which seriously affects the appearance, edibility, keeping or shipping quality of the raisins. In Type II (a), Muscat Seeded raisins, mechanical injury resulting from normal seeding operations is not considered damage.

"Visibly sugared" means the accumulation of crystallized fruit sugars on or near the surface which is readily apparent.

"Mold" means mold filaments or spores (often characterized by a condition wherein the skin of the raisin appears to have been dissolved, leaving a slimy or sticky appearance, and often resulting in a positive reaction when submerged in a three percent hydrogen peroxide solution).

"Affected by insect infestation" means that the raisins show the presence of insects, insect fragments, or excreta. No live insects are permitted.

"Plump and meaty" means that the currants are not thin or angular with coarse wrinkles.

"'B' berries" means currants affected with mold or decay, which show a positive reaction when immersed in a three percent hydrogen peroxide solution.

The foregoing requirements are those specified in United States Standards for Grades of Processed Raisins, with respect to Grade C for raisins other than Zante Currants, and in United States Standards for Grades of Dried Zante Currants, with respect to Grade B for Zante Currants.

(48 Stat. 31, as amended; 7 U. S. C. and Sup. I 601 et seq.)

Issued at Washington, D. C., this 15th day of August 1949, to be effective on and after 12:01 a. m., P. s. t., August 18, 1949.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 49-6734; Filed, Aug. 17, 1949; 8:55 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 7, Amdt. 9]

PART 60—AIR TRAFFIC RULES

DANGER AREAS

Under sections 205 and 601 of the Civil Aeronautics Act of 1938 as amended, and § 60.13 of the Civil Air Regulations, the Administrator of Civil Aeronautics is authorized to designate as a danger area any area within which he has determined that an invisible hazard to aircraft in flight exists, and no person may operate an aircraft within a danger area unless permission for such operation has been issued by appropriate authority. Such areas have been designated and published.

The following danger area alterations have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and should be adopted without delay, in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Acting pursuant to sections 205 and 601 of the Civil Aeronautics Act of 1938, as amended, and § 60.13 of the Civil Air Regulations, and in accordance with sections 3 and 4 of the Administrative Procedure Act, I hereby amend the Code of Federal Regulations, Title 14, Chapter 1, Part 60, § 60.13–1, as follows:

1. A Great Machipongo Inlet, Virginia area is added to read:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Using agency
Great Machipongo Inlet (Norfolk Chart).	Beginning at lat. 37°35'00" N, long. 75°36'25" W; E to lat. 37°35'00" N, long. 75°32'00" W, SW to lat. 37°16'20" N, long. 75°43'00" W; counterclockwise along arc of a circle with a 5-mile radius centered at lat. 37°14'00" N, long. 75°47'30" W; to the shoreline at lat. 37°18'05" N, long. 75°46'00" W; NE to lat. 37°35'00" N, long. 75°36'25" W; point of beginning.	Unlimited	Daylight hours only	Tactical Air Command, Langley Air Force Base, Virginia.

2. A Madison, Indiana, area is added to read:

Madison (Cincinnati Chart)	N boundary: lat. 39°04'00" N. S boundary: lat. 38°49'00" N. E boundary: long. 85°21'00" W. W boundary: long. 85°30'00" W.	Surface to 35,000 feet	Continuous	Jefferson Proving Grounds, Madison, Ind.

3. The Warren Grove, New Jersey, area is amended to read:

Warren Grove (Washington Chart)	Beginning at lat 39°45'28" N, long 74°19'26" W; SE to lat 39°42'18" N, long 74°17'18" W; SW to lat. 39°39'07" N; long. 74°25'27" W; NW to lat. 39°41'00" N, long. 74°26'30" W; N to lat. 39°42'30" N, long. 74°26'15" W; NE to lat. 39°45'28" N, long. 74°19'26" W, point of beginning.	Surface to 10,000 feet	Continuous	Department of Navy, Bureau of Ordnance.

(Secs. 205 (a), 601, 52 Stat. 984, 1007; Pub. Law 872, 80th Cong.; 49 U. S. C. 425, 551; Reorg. Plans Nos. III and IV of 1940, 3 CFR, Cum. Supp., 5 F. R. 2107, 2421)

This amendment shall become effective on September 1, 1949.

[SEAL] DONALD W. NYROP,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 49-6719; Filed, Aug. 17, 1949; 8:50 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter C—Miscellaneous Excise Taxes

[T. D. 5731]

PART 190—RECTIFICATION OF SPIRITS AND WINES

INSTRUCTIONS FOR RECORDING OF GOVERNMENT PROPERTY AT RECTIFYING PLANTS

Correction

In F. R. Document 49-6481 appearing in the issue for Wednesday, August 10, 1949, on page 4922, the bracket number now appearing as "[T. D. 5831]," should read as set forth above.

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 602]

ARIZONA

WITHDRAWING PUBLIC LANDS FOR USE OF DEPARTMENT OF STATE IN CONNECTION WITH MEXICAN WATER TREATY OF FEBRUARY 3, 1944

By virtue of the authority contained in the act of August 19, 1935, 49 Stat. 660 (22 U. S. C. 277c), and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Arizona are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for the use of the Department of State in connection with the Mexican Water Treaty of February 3, 1944, 59 Stat. 994:

GILA AND SALT RIVER MERIDIAN

T. 8 S., R. 24 W.,
Sec. 28, lots 2 and 5;
Lot 3, that portion lying west of the United States levee;
Lot 6, that portion lying west of the United States levee.

This order shall take precedence over, but not otherwise affect, the order of July 20, 1905, of the Secretary of the Interior withdrawing lands for reclamation purposes, so far as such order affects the above-described lands: *Provided, however*, That the Bureau of Reclamation shall have rights-of-way for the construction and maintenance of levees and operations incident thereto.

It is intended that the lands above described shall be returned to the administration of the Department of the Interior when they are no longer needed for the purpose for which they are reserved.

J. A. KRUG,
Secretary of the Interior.

AUGUST 12, 1949.

[F. R. Doc. 49-6701; Filed, Aug. 17, 1949; 8:45 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 2 — FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

PETITION FILED BY SEISMOGRAPH SERVICE CORP. OF TULSA, OKLA., REQUESTING EXTENSION OF TEMPORARY ALLOCATION OF FREQUENCIES TO RADIOLOCATION SERVICE

At a meeting of the Federal Communications Commission held at its offices in Washington, D. C., on the 10th day of August 1949;

The Commission having under consideration a petition filed January 13, 1949, by the Seismograph Service Corporation requesting an extension of a temporary allocation of frequencies to the radiolocation service; and

It appearing, that the said petition alleges that although petitioner was granted a Class 2 Experimental construction permit pursuant to the Commission's final decision in Docket 8989, issued February 17, 1949, and authorizing the construction of a radiolocation system in the Gulf of Mexico area, petitioner has been unable to construct such a system as of this date and desires additional time therefor; and

It further appearing, that according to petitioner, delays in the establishment of a radiolocation system in the Gulf area have been caused by a lack of equipment and by the necessity for effectuating an industry poll as required by the Commission preparatory to the selection of a location for a specific radiolocation network.

It further appearing, that pursuant to the Commission's order (FCC 49-190) of February 17, 1949, issued in conjunction with the mentioned Decision in Docket 8989, the allocation of frequencies to the radiolocation service is not effective beyond six months from February 17, 1949; and

It further appearing, that the Commission found in its final decision of February 17, 1949, that establishment of a radiolocation system in the Gulf area on a temporary basis would be in the public interest, and that a temporary extension for a period of six months from August 17, 1949 of the allocation of frequencies therefor should be effected; and

It further appearing, that the legal authority for a temporary extension of the existing temporary allocation of the band 1750-1800 kc. is vested in the Commission under sections 4 (i) and 303 (a), (b), (c), (d), (f), (g), (h) and (r) of the Communications Act of 1934, as amended; Article 7 of the Cairo (1938) General Radio Regulations, and Article 3 of the Atlantic City (1947) Radio Regulations;

It is ordered, That the petition of the Seismograph Service Corporation be granted in part, in that the temporary

allocation of frequencies to the radiolocation service be extended until February 17, 1950; and that the said petition, insofar as it requests a longer period of extension, be denied without prejudice; and

It is further ordered, That Footnote (2) to § 2.104 (a) of the Commission's rules Governing Frequency Allocations and other matters is amended to read as follows:

[2] This band is temporarily allocated to the radiolocation service until February 17, 1950, subject to possible temporary continuance beyond that time for such additional period or periods as the Commission may find necessary: *Provided, however*, That this temporary allocation, or any temporary continuation thereof, shall be subject to the use-in-derogation provisions of Article 7 of the Cairo General Radio Regulations and Chapter III of the Atlantic City Radio Regulations; *And provided further*, That this temporary allocation, or any temporary continuation thereof, shall terminate not later than the date on which the Atlantic City Table of Frequency Allocations becomes effective as provided by Article 47 of the Atlantic City Radio Regulations; *And provided still further*, That this temporary allocation, or any temporary continuation thereof, shall be subject to earlier cancellation or modification by the Commission, without the necessity of a hearing, if during any period when such allocation is in effect the Commission shall, in the course of proceedings undertaken by it to determine whether a radiolocation service should be provided on a permanent basis, reach conclusions which, in the opinion of the Commission, require such cancellation or modification. This temporary allocation, or any temporary continuation thereof is strictly limited to a radiolocation service for the location of petroleum deposits in the Gulf of Mexico. Stations in this service shall be located within 150 miles of the shoreline of the Gulf of Mexico.

(Secs. 4 (i), 48 Stat. 1066; 47 U. S. C. 154 (i), 303 (r), 50 Stat. 191; 47 U. S. C. 303 (r). Applies 303 (a), (b), (c), (d), (f), (g), (h), 48 Stat. 1082; 47 U. S. C. 303 (a), (b), (c), (d), (f), (g), (h))

Released: August 11, 1949.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-6724; Filed, Aug. 17, 1949; 8:51 a. m.]

PART 3—RADIO BROADCAST SERVICES

CONTRACTS PROVIDING FOR RESERVATION OF TIME UPON SALE OF STATION

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 10th day of August 1949;

It appearing, that § 3.109 of the Commission's rules and regulations now provides that in the case of assignment of licenses or transfers of control of corporate licensees approved by the Commission prior to February 15, 1949, involving a contract, arrangement or understanding otherwise prohibited by § 3.109 (a), the existence and terms of which were fully disclosed to the Commission at the time of execution, the Commission would give consideration to the issuance of a license despite the existence of such contract, arrangement or understanding if the parties thereto modified such contract within six months from the effective date of the rule (by August 15, 1949) in accordance with the provision of § 3.109 (b); and

It appearing, that the Commission is in receipt of requests by the New Mexico College of Agriculture and Mechanical Arts and Radio Station KARK for extension of the period of time within which stations affected by § 3.109 (b) of the Commission's rules must take action to bring about the requested modification of existing contracts, arrangements or understandings; and

It appearing, therefore, that the public interest, convenience and necessity would be served by extending until November 15, 1949, the time within which licensees coming within the provisions of § 3.109 (b) of the rules might be given an opportunity to modify their contracts, arrangements, or understandings in accordance with the provisions of the Commission's order subject to the filing by all such licensees with the Commission on or before September 15, 1949, of a complete statement concerning the status of their negotiations looking towards compliance with the provisions of § 3.109 (b); and

It further appearing, that the authority for the proposed amendment in the rules is contained in sections 4 (i), 303 (r), 308 and 309 of the Communications Act of 1934, as amended; and

It further appearing, that compliance with the public notice requirements of section 4 (a) of the Administrative Procedure Act would be both impractical and unnecessary in view of the time element involved and the fact that the proposed changes in the Commission's rules impose no substantial substantive burden upon any party but are intended as a relaxation of existing requirements by affording additional time, and that for the same reasons the proposed changes should be made effective immediately;

It is ordered, That, effective immediately, § 3.109 (b) of the Commission's rules be amended by adding a footnote to be numbered 38a, to be appended to the first sentence thereof, reading as follows:

[38a] The effective date of this section with respect to any station may be extended, upon request, until November 15, 1949, *Provided*, That any such station shall file with the Commission, in triplicate, on or before September 15, 1949, a complete statement under oath of the status of its negotiations to modify any contract, arrangement or understanding to insure compliance with the provisions of this section, the extent to which it has been unable to achieve such modification at the time of the report, the reason for such failure to secure the requisite modification, a statement of what further action such licensee intends to take to insure compliance with the provisions of the section, and proof of service of copies of such statement upon all other parties to such contracts, arrangements, or understandings.

(Secs. 4 (i), 48 Stat. 1066; 47 U. S. C. 154 (i), 303 (r), 50 Stat. 191; 47 U. S. C. 303 (r). Applies 308, 48 Stat. 1084, 309, 48 Stat. 1085; 47 U. S. C. 308, 309)

Released: August 11, 1949.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-6725; Filed, Aug. 17, 1949; 8:51 a. m.]

PART 6—PUBLIC RADIOCOMMUNICATION SERVICES (OTHER THAN MARITIME MOBILE)

PRIORITIES FOR SERVICE TO SUBSCRIBERS

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 10th day of August 1949;

The Commission, having under consideration the notice of proposed rule-making adopted herein April 27, 1949, to provide for the establishment of priorities for subscribers to the public mobile radiotelephone services, and having also under consideration the comments thereon filed by interested persons; and

It appearing, that there is substantial opposition to the adoption of such amendment to the rules insofar as it would require the termination of service of existing subscribers where such action is necessary in order to implement the table of priorities on its effective date, because such terminations would occasion considerable economic hardships to existing subscribers to such service; and

It further appearing, that high priority potential subscribers presently awaiting the inauguration of service may be expected to be taken care of at an early date (1) as the result of service cancellations of existing subscribers which are occurring at an annual rate of over 30%, (2) establishment of additional facilities, and (3) normal "melt" in the processing of waiting lists; and

It further appearing, that authority to adopt the subject amendment to the Commission's rules and regulations is contained in sections 4 (i), 303 (a), (b), (c), and (r) of the Communications Act of 1934, as amended;

It is ordered, That effective September 19, 1949, Part 6 of the Commission's rules and regulations, entitled "Public Radio Communication Services (Other than Maritime Mobile)" is amended by adding a new § 6.603 to read as follows:

§ 6.603 *Priorities for service to subscribers.* As to licensees affording Domestic Public Land Mobile Services on the effective date of these rules and regulations, and as to all other licensees in these services effective on the date of commencement of such service, subscriptions to mobile telephone service shall be afforded by customer categories in the following order of precedence:

(a) *Category 1: Public Safety and Health.* Official federal, state, county and municipal government agencies protecting the public safety and health; private organizations and persons engaged

primarily in protecting the public safety and health such as physicians, hospitals, ambulance services, volunteer fire departments, American Red Cross, licensed protective patrols and armored cars and similar agencies.

(b) *Category 2: Public Service.* Contract carriers, common carriers, and public utilities (exclusive of taxicab and livery service), for communications other than correspondence of the general public.

(c) *Category 3: Quasi Public Service.* Emergency repair organizations, not included in Category 1, protecting health and property; press associations, newspapers and broadcasting stations.

(d) *Category 4: Physically Handicapped.* Persons who, because of physical handicaps, operate specially equipped vehicles and are unable to leave such vehicles without assistance.

(e) *Category 5: Industrial.* Gas or oil producing or drilling operators; producers and distributors of fuel and lumber and other construction materials and equipment; food processing, distribution and storage organizations; producers of substantial quantities of food; business concerns engaged in construction of housing and industrial or public works; taxicabs and livery service.

(f) *Category 6: Traveling Public.* Trains and watercraft where service is made available to passengers.

(g) *Category 7: All others.*

After initial establishment of service in accordance with the foregoing table of priorities, when facilities in a given area are insufficient to furnish service to all who desire mobile radiotelephone service, new or additional mobile units shall be ranked within the categories noted above in order of date of filing of applications for service and service shall be afforded such applicants as facilities become available, in descending order of precedence.

(Secs. 4.(i), 48 Stat. 1066; 47 U. S. C. 154 (i), 303 (r), 50 Stat. 191; 47 U. S. C. 303 (r). Applies 303 (a), (b), (c), 48 Stat. 1082; 47 U. S. C. 303 (a), (b), (c))

Released: August 11, 1949.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-6723; Filed, Aug. 17, 1949; 8:51 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Internal Revenue

[26 CFR, Part 182]

INDUSTRIAL ALCOHOL

AUTHORIZATION OF TRANSPORTATION

A notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto, which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority of sections 2808, 2829, 2885, 2891, 3070, 3101, 3105, 3106, 3107, 3108, 3111, 3113, 3114, 3115, 3124 (a) (6), 3170, 3171 and 3176, Internal Revenue Code, and section 309 (a), Tariff Act of 1930 (26 U. S. C., 2808, 2829, 2885, 2891, 3070, 3101, 3105, 3106, 3107, 3108, 3111, 3113, 3114, 3115, 3124 (a) (6), 3170, 3171 and 3176, and 19 U. S. C. Supp. V, 1309 (a)).

[SEAL] GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.

1. Sections 182.64, 182.85, 182.87, 182.90, 182.92, 182.175, 182.176, 182.179, 182.182 (new paragraph (c)), 182.183, 182.229 (new paragraph (h)), 182.230, 182.290, 182.322, 182.400, 182.407, 182,408, 182.494, 182.495 (new paragraph (c)), 182.498, 182.514, 182.548, 182.550, 182.556, 182.557, 182.560, 182.561, 182.635, the introductory text of § 182.644 and paragraphs (a) and (b) of § 182.644, 182.645, 182.696, 182.774, 182.904, 182.908, 182.909, 182.910, 182.911, 182.912, and 182.913 of Regulations 3 (26 CFR, Part 182), approved March 6, 1942, are amended; and §§ 182.491a, 182.493a, 182.502a, 182.511a, 182.521a, and 182.698a are added to such regulations.

2. The purpose of these amendments is to authorize the transportation, in tank trucks, of undenatured ethyl alcohol for transfer in bond between industrial alcohol plants, industrial alcohol bonded warehouses and denaturing plants.

EQUIPMENT

INDUSTRIAL ALCOHOL PLANTS

§ 182.64 *Weighing tanks.* Except as provided in § 182.407, the proprietor must provide in the receiving room one or more suitable weighing tanks constructed in accordance with the provisions of § 182.65. If molasses or other liquids are used as distilling materials, a suitable weighing or measuring tank must be provided for determining the quantity thereof. (Secs. 2808, 3105, 3107, 3124 (a) (6), 3176, I. R. C.)

BONDED WAREHOUSES

§ 182.85 *Weighing tanks.* Where alcohol is to be removed by pipe line to tank cars for shipment, or to a denaturing plant on the same premises, or to a rectifying plant on contiguous or nearby premises (as authorized by § 182.82a), or to tank trucks for transfer in bond to another bonded warehouse (as authorized by § 182.550) or to a denaturing plant (as authorized by § 182.560), or where alcohol is to be received in tank cars, or received in tank trucks from an industrial alcohol plant (as authorized by § 182.400) or from another bonded warehouse (as authorized by § 182.550), the proprietor of the warehouse must provide for use in weighing such alcohol one or more suitable weighing tanks, constructed and secured in accordance with the provisions of § 182.65. (Secs. 2808, 3105, 3107, 3124 (a) (6), 3176, I. R. C.)

§ 182.87 *Alcohol storage tanks.* The proprietor of a bonded warehouse must provide a sufficient number of alcohol storage tanks for the storage of alcohol received by pipe line, in railroad tank cars, or in tank trucks. Each such tank must be constructed and secured in accordance with the provisions of § 182.74, and have painted thereon the words "Storage Tank," followed by its serial number and capacity in wine gallons. Each storage tank must be equipped with a suitable measuring device whereby the actual contents will be correctly indicated. Valves must be provided in the pipe connections and so arranged as to control completely the flow of alcohol both into and out of tanks, and so constructed that they may be locked with a Government lock. Storage tanks must not be permanently connected with pipe lines for the conveyance of air, distilled water, or other substances than alcohol. (Secs. 2829, 3105, 3107, 3124 (a) (6), 3176, I. R. C.)

DENATURING PLANTS

§ 182.90 *Weighing tanks.* Where alcohol is stored in storage tanks or is received by pipe line from a bonded warehouse on the same premises, and the alcohol is not weighed at the time of transfer in a weighing tank located in the bonded warehouse, or where alcohol is received in tank cars, or is received in tank trucks from an industrial alcohol plant (as authorized by § 182.400) or from a bonded warehouse (as authorized by § 182.560), or where denatured alcohol is to be removed in tank cars, or in tank trucks (as authorized by § 182.728), or by pipe line (as authorized by § 182.98), the proprietor of the denaturing plant must provide for use in weighing such alcohol and denatured alcohol one or more suitable weighing tanks, constructed and secured in accordance with the provisions of § 182.65. (Secs. 2808, 3105, 3107, 3124 (a) (6), 3176, I. R. C.)

§ 182.92 *Alcohol storage tanks.* Where alcohol is received by pipe line from a bonded warehouse on the same premises, or in railroad tank cars, or in tank trucks as authorized by these regulations, a sufficient number of alcohol storage tanks must be installed in the denaturing plant, unless the alcohol is run directly, or through weighing tanks, to mixing tanks, as provided in §§ 182.694 to 182.698. If alcohol is received in barrels or drums only, storage tanks are not required, but the proprietor may, if he so desires, provide such tanks for the

storage of alcohol received in packages. Alcohol storage tanks must be constructed and secured in conformity with the provisions of § 182.74 and must be equipped with a suitable measuring device whereby the actual contents will be correctly indicated. Each such tank shall have plainly and legibly painted thereon the words "Alcohol Storage Tank," followed by its serial number and capacity in wine gallons. Valves must be provided in the pipe connections and so arranged as to control completely the flow of spirits both into and out of tanks, and so constructed that they may be locked with a Government lock. Storage tanks must not be permanently connected with pipe lines for the conveyance of air, distilled water, or other substances than alcohol. (Secs. 2829, 3105, 3107, 3124 (a) (6), 3176, I. R. C.)

QUALIFYING DOCUMENTS

CARRIERS

§ 182.175 *Application, Form 144.* Every person desiring to transport tax-free alcohol or specially denatured alcohol must file Form 144, "Application for Permit to Transport Tax-free and Specially Denatured Alcohol," in triplicate, for permit so to do. The carrier will specify the mode of transportation, such as railroad, express company, steamship, barge line, truck, etc., and the supervisory districts in which tax-free or specially denatured alcohol will be transported. Where steamship or barge lines or motor carriers operate between certain points and over certain courses or routes, such points and courses or routes will be specified in the application. Where the mode of transportation is by tank truck, the carrier will give the serial number of each tank truck and its capacity. Every person desiring to transport, in tank trucks, undenatured ethyl alcohol for transfer in bond between industrial alcohol plants, industrial alcohol bonded warehouses and denaturing plants pursuant to withdrawal permits, Form 1436 or 1463, as the case may be, must file Form 144, properly modified, in triplicate, for permit so to do. The carrier will give the serial number of each tank truck and its capacity. In cases where transportation is in more than one supervisory district, the application shall be filed with the district supervisor in whose district the principal office or place of business of the applicant is located. The provisions of §§ 182.105, 182.106, 182.115, 182.117, and 182.118 are hereby extended, insofar as applicable, to carriers.

(a) *Persons entitled to permit.* Basic permits to transport tax-free or specially denatured alcohol, or undenatured ethyl alcohol for transfer in bond in tank trucks, shall be issued only to reputable carriers who are actively and regularly engaged generally in the legitimate business of transportation, and who possess adequate facilities to insure safe delivery at destination of any alcohol transported by them. (Secs. 3105, 3107, 3114 (a), 3124 (a) (6), 3176, I. R. C.)

§ 182.176 *Use of motor trucks by railroad, steamship, and express companies.* If the applicant is a railroad, steamship, or express company and operates motor trucks pursuant to contracts with the owners of such trucks in transporting tax-free alcohol or specially denatured alcohol or in transporting undenatured ethyl alcohol in tank trucks for transfer in bond between industrial alcohol plants, industrial alcohol bonded warehouses and denaturing plants under the carrier's bill of lading, express receipt, waybill, etc., there must be stipulated in the application that "In consideration of the issuance of the basic permit herein applied for, the applicant agrees to assume full responsibility for the safe transportation and proper delivery of any and all such alcohol so possessed for transporting by his said trucking agents; and said applicant further covenants and agrees to pay to the United States all internal revenue taxes, assessments and penalties due by reason of any diversion of said alcohol in the hands of any of his said agents, or as the result of the delivery by any such agent of said alcohol to any person not authorized to receive the same." (Secs. 3105, 3107, 3124 (a) (6), 3176, I. R. C.)

§ 182.179 *Conditions of approval.* No application shall be approved unless and until it is established by the applicant to the satisfaction of the district supervisor that he is a reputable carrier and is actively and regularly engaged generally in the legitimate business of transportation and that he possesses adequate facilities to insure safe delivery at destination of any tax-free alcohol or specially denatured alcohol or undenatured ethyl alcohol in tank trucks which may be transported by him. No application for an original or renewal permit for the transportation in tank trucks of undenatured ethyl alcohol or specially denatured alcohol shall be approved unless and until it is determined by the district supervisor, after inspection, that each tank truck meets the requirements of the regulations in this part. (Secs. 3105, 3107, 3124 (a) (6), 3176, I. R. C.)

§ 182.182 *Bond, Form 49.* * * *

(c) *Undenatured ethyl alcohol in tank trucks*—(1) *Transportation by motor carriers.* Motor carriers, as defined in these regulations, in order to transport undenatured ethyl alcohol by tank trucks, between industrial alcohol plants, industrial alcohol bonded warehouses and denaturing plants, must procure permits so to do, in accordance with the regulations in this part and file bond, Form 49, properly modified, in the penal sum specified in § 182.183.

(2) *Transportation by consignors or consignees.* A consignor or consignee, in order to transport undenatured ethyl alcohol between industrial alcohol plants, industrial alcohol bonded warehouses and denaturing plants, in tank trucks controlled and operated by such consignor or consignee, must file application on Form 144 and procure permit, Form 145, authorizing such transportation and file consent of surety, Form 1533, on his bond, Form 1432–A, extending the terms thereof to be liable for the tax, together with penalties and interest on all undenatured ethyl alcohol withdrawn, transported, used, or sold in violation of laws and regulations now or hereafter in force. If the maximum of the present bond is not sufficient when computed as set forth in § 182.183, a new bond in a sufficient penal sum must be furnished to cover the additional liability.

(3) *Present permits and bonds.* Basic permits (Form 145) and bonds now held by motor carriers, and by consignors and consignees, which authorize the transportation of tax-free and specially denatured alcohol, may, on application and the filing of consents of surety, be modified to authorize tank truck shipments of undenatured ethyl alcohol for transfer in bond between industrial alcohol plants, industrial alcohol bonded warehouses and denaturing plants and to contain an undertaking to be liable for the tax, or an amount equal to the tax as provided in subparagraph (2) of this paragraph. The consent of surety (or, if preferred, a new bond) must be filed so that the principal and surety will be responsible to the extent specified in § 182.183. (Secs. 3105, 3107, 3114 (a), 3124 (a) (6), 3176, I. R. C.)

§ 182.183 *Penal sum of bond, Form 49.* The penal sum of the bond must be computed at the rate of not less than $1,000 for each vehicle (other than a tank truck) to be used by the permittee, nor more than $10,000 for all such vehicles so used. The penal sum of the bond for the transportation of specially denatured alcohol in tank trucks shall be in the penal sum of $50,000 for each such tank truck, and not more than $200,000 for the total of all trucks used. The penal sum of the bond for the transportation of undenatured ethyl alcohol in tank trucks for transfer in bond between industrial alcohol plants, industrial alcohol bonded warehouses and denaturing plants shall be in the penal sum of $75,000 for each such tank truck, and not more than $200,000 for the total of all trucks used. (Secs. 3105, 3107, 3114 (a), 3124 (a) (6), 3176, I. R. C.)

BASIC PERMITS

ISSUANCE OF ORIGINAL BASIC PERMITS

§ 182.229 *Limitations under permit.* * * *

(h) *Permit to transport undenatured ethyl alcohol in tank trucks, Form 145.* The permit will specify the supervisory districts in which the carrier will be permitted to transport undenatured ethyl alcohol in tank trucks, for transfer in bond between industrial alcohol plants, industrial alcohol bonded warehouses and denaturing plants. If the carrier is a motor carrier operating between certain points and over certain courses or routes, such points and courses or routes will be specified in the permit. The permit shall specify the number of tank trucks to be used by the permittee in the transportation of undenatured ethyl alcohol and the serial number and capacity of each. (Secs. 3105, 3107, 3114, 3124 (a) (6), 3176, I. R. C.)

§ 182.230 *Filing of permits.* Every person receiving a basic permit under the provisions of the regulations in this part must file the same, together with a copy of the application and all qualifying documents in support of the application, in such manner, at the place of business covered by the basic permit,

that they may be examined by Government officers. Whenever tax-free or specially denatured alcohol is transported other than by railroad or steamship company, or express company operating thereon, there shall be posted in or on the vehicle of transportation, including motor trucks authorized to be used or be in the possession of the person in charge thereof, a copy of the basic permit (Form 145) under which such transportation is authorized which has been duly certified as a true copy by the district supervisor issuing the same, except that where specially denatured alcohol is transported in a tank truck the certified copy of the basic permit under which such transportation is authorized shall be attached to the route board of the tank truck in accordance with § 182.731. Whenever undenatured ethyl alcohol is transported in tank trucks as authorized by these regulations, a copy of the basic permit (Form 145) under which such transportation is authorized which has been duly certified as a true copy by the district supervisor issuing the same, shall be attached to the route board of the tank truck in accordance with § 182.514. (Secs. 3105, 3107, 3124 (a) (6), 3176, I. R. C.)

ACTION BY DISTRICT SUPERVISOR

ORIGINAL ESTABLISHMENT

§ 182.290 *Authority to approve*—(a) *By district supervisor.* District supervisors are authorized to approve applications for basic permits and bonds relating to (1) the use of tax-free alcohol (except by the United States or governmental agency thereof), (2) dealing in specially denatured alcohol, (3) use of denatured alcohol (including the recovery of specially or completely denatured alcohol, or articles in the form of denatured alcohol), (4) the transportation of tax-free or specially denatured alcohol, or undenatured ethyl alcohol in tank trucks for transfer in bond between industrial alcohol plants, industrial alcohol bonded warehouses and denaturing plants, (5) the exportation of alcohol or specially denatured alcohol, (6) the removal of alcohol to customs manufacturing bonded warehouses, and (7) the withdrawal of alcohol tax-free for use on vessels and aircraft. District supervisors are also authorized to approve, insofar as the issuance of basic permit is concerned, applications on Form 1431, for the establishment and operation of industrial alcohol plants, bonded warehouses, and denaturing plants.

(b) *By Commissioner.* The Commissioner will approve applications (except as to the issuance of basic permits) and bonds respecting (1) the establishment and operation of industrial alcohol plants, bonded warehouses, and denaturing plants, and (2) the use of tax-free and specially denatured alcohol by the United States or governmental agency thereof. (Secs. 3105, 3107, 3114, 3124 (a) (6), 3170, 3176, I. R. C.)

GENERAL REQUIREMENTS REGARDING OPERATIONS

§ 182.322 *Compliance with requirements of law and regulations.* Under no circumstances will a person conduct any operations in connection with the production, storage, tax-payment, or denaturation of alcohol, or use tax-free alcohol or deal in or use specially denatured alcohol, or transport tax-free or specially denatured alcohol, or undenatured ethyl alcohol in tank trucks as authorized by the regulations in this part, or recover denatured alcohol, or articles in the form of denatured alcohol, until compliance with all the requirements of law and these regulations, and the application, bond (if required) and supporting documents have been approved and a basic permit issued pursuant thereto, in accordance with the provisions of the regulations in this part. (Secs. 3105, 3107, 3114, 3115, 3124 (a) (6), 3176, I. R. C.)

OPERATION OF INDUSTRIAL ALCOHOL PLANTS

TAX-PAYMENT, REMOVAL, AND TRANSFER OF ALCOHOL FROM RECEIVING ROOM

§ 182.400 *Authorized removals.* Alcohol produced at industrial alcohol plants, after deposit in the receiving tanks, may be:

(1) Transferred by means of pipe lines to storage tanks in a bonded warehouse on the bonded premises where produced, or to alcohol storage tanks or mixing tanks in a denaturing plant located on the bonded premises where produced.

(2) Drawn into tank cars or other approved containers or drawn into tank trucks and transferred to any bonded warehouse for storage therein, or to any denaturing plant for denaturation.

(3) Withdrawn upon payment of tax without being entered into a bonded warehouse.

(4) Tax-paid and transferred by pipe line to a rectifying plant on contiguous or nearby premises, as authorized by §§ 182.574a to 182.574g.

(5) Removed for lawful tax-free purposes. (Secs. 2885, 2891, 3105, 3106, 3107, 3108, 3124 (a) (6), 3176, I. R. C.; Sec. 309 (a), Tariff Act of 1930 (19 U. S. C., Supp. V, 1309 (a))

DRAWING OFF, GAUGING, AND REMOVAL OF ALCOHOL

§ 182.407 *Weighing alcohol removed by pipe line.* Where alcohol is to be removed by pipe line, the same will be weighed in a weighing tank before removal from the receiving room, except that where alcohol is transferred by pipe line from the receiving tanks to a bonded warehouse or denaturing plant on the industrial alcohol plant premises, and no weighing tank is provided in the receiving room, the alcohol may be run into weighing tanks in the bonded warehouse or denaturing plant, respectively, and weighed therein. The alcohol must, in any event, be weighed once in connection with its transfer to the bonded warehouse or the denaturing plant. Where alcohol is transferred from receiving tanks to tank cars or tank trucks one or more weighing tanks must be provided in the receiving room and all alcohol removed by pipe line must be weighed in such weighing tanks, and the correct weight will be recorded by the proprietor on the appropriate forms. The storekeeper-gauger will balance the scales upon which the weighing tank is mounted before the alcohol is run into such tank. Scales used for weighing alcohol in lots of not over 500 gallons will be tested from time to time under the supervision of the storekeeper-gauger, by means of test weights, provided in accordance with § 182.66. Such scales will be tested by placing the prescribed test weights on the scales and checking the weight registered on the beam or dial of the scales. The test weights will then be removed without disturbing the beam or dial and the weighing tank filled with alcohol or water to the same weight, whereupon the test weights will again be placed upon the scales, the alcohol or water being retained in the tank and the weight registered on the beam or dial checked. This operation will be continued until the scales have been checked in 500-pound notches at all weights for which the scales are used. Storekeeper-gaugers will, from time to time, check the gallonage indicated by scales used for weighing alcohol in larger lots against the gallonage indicated by volumetric determination of the contents of the tank. Such volumetric determination will be made by (a) accurately ascertaining the proof and temperature of the alcohol, and the depth of the liquid in the tank by means of a steel tape, (b) multiplying the depth in inches by the capacity of the tank for 1 inch of depth, and (c) correcting the volume to 60 degrees Fahrenheit in accordance with Table No. 7 of the Gauging Manual. The corrected wine gallonage thus determined can then be compared with the wine gallons indicated by the scales. The storekeeper-gauger will not permit the use of any scales found to be inaccurate. (Secs. 2808, 3105, 3107, 3124 (a) (6), 3176, I. R. C.)

§ 182.408 *Pipe-line removals.* A pipe line used for the transfer of alcohol from the receiving room to storage tanks in a bonded warehouse, or to a denaturing plant on the industrial alcohol plant premises, or to railroad tank cars or tank trucks for shipment, must conform to the requirements of § 182.82, except that alcohol may be transferred into a tank car or tank truck by means of a hose connection where the same is in full view of the Government officer throughout its entire length. The valves on such pipe line shall be kept closed and locked at all times, except when necessary to be opened for the transfer of alcohol. The keys to all locks on the valves of pipe lines shall remain at all times in the custody of the storekeeper-gauger. Alcohol may be transferred by pipe line only under the immediate supervision of the storekeeper-gauger. (Secs. 3105, 3107, 3124 (a) (6), 3176, I. R. C.)

OPERATION OF INDUSTRIAL ALCOHOL BONDED WAREHOUSE

RECEIPT OF ALCOHOL

§ 182.491a *In tank trucks from an industrial alcohol plant or another bonded warehouse.* When alcohol is received in a tank truck from an industrial alcohol plant not on the same premises or from another bonded warehouse, the seals must be broken by the storekeeper-gauger assigned to the receiving bonded warehouse and no undenatured ethyl

alcohol may be removed from the tank truck, except in the presence of such officer. When the alcohol is received at the warehouse, the shipment will be examined by the proprietor and the storekeeper-gauger, in accordance with § 182.493a. (Secs. 3101, 3105, 3107, 3113, 3124 (a) (6), 3176, I. R. C.)

§ 182.493a *Examination of tank truck.* When a tank truck is received, it will be examined, and if it bears evidence of loss by leakage, theft, or otherwise, or if the gauge of its contents discloses a loss or shortage, the storekeeper-gauger will make a report of the loss to the district supervisor similar to that required when packages which have sustained a loss in transit are received. (Secs. 3105, 3107, 3113, 3124 (a) (6), 3176, I. R. C.)

§ 182.494 *Deposit in receiving warehouse.* Upon completion of the examination of the containers, the proprietor will accurately determine the quantity received and will check in the receipt of the alcohol against Form 1440 in the presence of the storekeeper-gauger and will execute the certificate of receipt on both copies of the form, and will note thereon and on Form 1443–A, or Form 1443–B, any loss or deficiency in the shipment. The proprietor will then file one copy of Form 1440 as a permanent record, as provided in § 182.643 (a), and at the close of the day will deliver the other copy with Form 1441 to the storekeeper-gauger for transmittal to the district supervisor of his district. On the day of receipt of the alcohol, the storekeeper-gauger shall fill in the certificate of receipt on Form 1439, noting any losses and discrepancies. Where a loss in transit is sustained the storekeeper-gauger will report the total loss and, in the case of packages, the loss from each package. The receipted form shall be forwarded to the district supervisor of the district from which the alcohol was shipped. Such district supervisor will check daily, on receipt, each Form 1439 covering a tank truck shipment, and make any inquiry which he deems necessary with respect to any discrepancy. In the event of failure to receive a form from the storekeeper-gauger at the consignee's premises within the time normally required for the truck to make the shipment and the form to be sent by mail, the district supervisor will make appropriate investigation. (Secs. 3101, 3105, 3107, 3113, 3124 (a) (6), 3176, I. R. C.)

§ 182.495 *Method of deposit.* * * *

(c) *Alcohol received in tank trucks.* Undenatured ethyl alcohol received in tank trucks shall be gauged and transferred immediately to storage tanks. The seals must be broken by the storekeeper-gauger assigned to the bonded warehouse and no undenatured ethyl alcohol may be removed from the tank truck, except in the presence of such officer. (Secs. 3101, 3105, 3107, 3113, 3124 (a) (6), 3176, I. R. C.)

REMOVAL OF ALCOHOL FROM RECEIVING AND STORAGE TANKS

§ 182.498 *Gauge on withdrawal.* Where alcohol is drawn into drums, barrels, or similar containers from receiving and storage tanks, the packages shall be gauged in accordance with the provisions of the Gauging Manual (26 CFR, Part 186). Where alcohol is drawn into tank cars, drawn into tank trucks, or is transferred by pipe line, as authorized by the regulations in this part, such alcohol shall be gauged in accordance with the rules prescribed in the regulations in this part and in the Gauging Manual; the weight of the alcohol will be determined by means of weighing tanks, as provided in § 182.407. Alcohol may be drawn from receiving and storage tanks only under the immediate supervision of the storekeeper-gauger.

(a) *Fractional parts of a gallon.* All fractional parts of a gallon less than one-tenth, shown in the Gauging Manual, shall be disregarded in gauging alcohol. For example, a package of 190 degrees proof alcohol, weighing 326 pounds net, shall be reported on Form 1440 as containing 47.90 wine gallons and 91.10 proof gallons. A package containing 190 degrees proof alcohol, weighing 340 pounds, shall be reported as containing 50 wine gallons and 95 proof gallons.

(b) *Details of gauge.* The details of all alcohol gauged in the bonded warehouse shall be recorded by the proprietor on Form 1440, as hereinafter provided. (Secs. 3101, 3105, 3107, 3124 (a) (6), 3176, I. R. C.)

§ 182.502a *Filling of tank truck.* The tank truck must be filled in the immediate presence of the storekeeper-gauger. Prior to filling, the storekeeper-gauger shall determine whether the tank truck is authorized to be used by comparing the serial number and the capacity of the tank as marked thereon, with the copy of the basic permit, and will inspect all openings to the tank truck to determine whether they may be effectively sealed. If the tank truck does not meet such requirements, its use for the transportation of undenatured ethyl alcohol will not be permitted. After filling, the storekeeper-gauger shall seal the tank truck in such a manner as will secure all openings affording access to the contents of the tank. The proprietor will enter on Form 1440, covering the gauge of the alcohol, the number of inches of undenatured ethyl alcohol loaded into each compartment and the temperature thereof at the time of filling, the name of the carrier, the number of the tank truck, the State license number of the truck, the driver's full name, and the driver's permit number and State issuing the same, the destination, the date of shipment, and the serial numbers of the cap seals used. (Secs. 3101, 3105, 3107, 3108, 3124 (a) (6), 3176, I. R. C.)

APPROVED CONTAINERS

§ 182.511a *Tank trucks.* Undenatured ethyl alcohol may be transported by tank trucks only where suitable storage tanks are provided on the receiving bonded warehouse premises. The manhole covers, outlet valves and all other openings on tank trucks used for shipping undenatured ethyl alcohol shall be equipped with facilities for sealing so that the contents cannot be removed without showing evidence of tampering. Serially numbered cap seals for use on such tank trucks shall be furnished by the Government and affixed by the storekeeper-gauger. Immediately after filling, the tank truck shall be sealed in such a manner as will secure all openings affording access to the contents of the tank. (Secs. 3101, 3105, 3107, 3108, 3124 (a) (6), 3176, I. R. C.)

§ 182.514 *Tank trucks.* Tank trucks may be used for transporting undenatured ethyl alcohol subject to the provisions of the regulations in this part. Every tank truck used to transport undenatured ethyl alcohol must conform to the following requirements: The tank shall be securely and permanently attached to the frame or chassis of the truck or trailer and shall be securely constructed. Interior bulkheads or stiffeners must have proper drainage cut-outs. Manhole covers, outlet valves, vents or pressure relief valves, and all other openings shall be equipped for sealing so as to prevent unauthorized access to the contents of the tank. Outlets of each compartment must be so arranged that delivery of any compartment will not afford access to the contents of any other compartment. There shall be but one consignor and one consignee per load. Calibrated charts, prepared or certified by competent and recognized authorities or engineers, showing the capacity of each compartment in wine gallons for each inch of depth shall be carried in each truck. Each tank truck shall also be equipped with a route board, at least 10 by 12 inches, constructed of substantial material and permanently attached thereto by roundheaded or carriage bolts, nutted and riveted, battered or welded. Provision will also be made for protection, against the weather, of the permit and label by the use of celluloid or equally substantial material. A copy of the basic permit (Form 145) under which transportation is authorized (as required by § 182.230) and the prescribed label (as required by § 182.521a) will be affixed to such route board. Tanks shall be so constructed that they will completely drain the contents of each compartment, even when the ground is not perfectly level. Suitable ladders and cat walks, permanently attached, must be provided in order to permit ready examination of manholes and other openings. Provision shall be made for the proper grounding of tank trucks when filling or emptying. (Secs. 3101, 3105, 3107, 3108, 3124 (a) (6), 3176, I. R. C.)

MARKS, BRANDS AND STAMPS

§ 182.521a *Tank trucks.* Each tank truck used to transport undenatured ethyl alcohol must have permanently and legibly marked or painted thereon its number, capacity in wine gallons, and the name of the owner in letters at least four inches in height. If the tank truck consists of two or more compartments, each compartment must be identified by a letter of the alphabet, such as "A," "B," etc., and the capacity in wine gallons of each compartment must be marked thereon. The consignor shall securely attach to the route board of each tank truck, a label showing the name,

registry number, and location (city or town and State) of the shipping industrial alcohol plant or bonded warehouse; the name, registry number and location (city or town and State) of the receiving industrial alcohol bonded warehouse or denaturing plant, followed by the date of shipment; and the quantity in wine and proof gallons of undenatured ethyl alcohol contained in each compartment. Such label shall be destroyed upon emptying the tank truck. (Secs. 2808, 3105, 3107, 3108, 3124 (a) (6), 3176, I. R. C.)

REMOVAL OF ALCOHOL FROM WAREHOUSE

§ 182.548 *Transportation* — (a) *In bond.* Alcohol shipped in bond to another bonded warehouse, in containers other than tank trucks, shall be transported to the premises of the receiving warehouse by the proprietor of the shipping warehouse; or by a railroad or steamship company, or an express company operating thereon; or by a motor carrier who holds a permit to transport tax-free or specially denatured alcohol or who has qualified with the Interstate Commerce Commission as a "self insurer"; or by other carriers, including motor and barge lines, who are actively and regularly engaged in the legitimate business of transportation and who possess adequate facilities to insure safe delivery at destination of any alcohol transported by them, and who are approved by the district supervisor. Alcohol shipped in bond to another bonded warehouse or to a denaturing plant in tank trucks shall be transported to the premises of the receiving bonded warehouse or denaturing plant by the proprietor of the shipping warehouse, or by the proprietor of the receiving bonded warehouse or denaturing plant, or by a motor carrier, who holds a permit, Form 145, to transport undenatured ethyl alcohol in tank trucks.

(b) *Tax-free.* Alcohol withdrawn free of tax for denaturation, export, transfer to customs manufacturing bonded warehouse, use on vessels and aircraft, use of the United States or any governmental agency thereof, the several States and Territories or any municipal subdivision thereof, or the District of Columbia, hospitals, sanatoriums, colleges, laboratories, scientific purposes, etc., must be transported to the premises of the consignee or, if withdrawn for export, to the port of export, by the proprietor of the bonded warehouse or a carrier holding permit on Form 145 to transport tax-free alcohol: *Provided,* That the consignee may transport the alcohol from the premises of the delivering carrier at the place of destination to his own premises or, in the case of export, or use on vessels and aircraft, to the point of lading.

(c) *Method of transportation.* Alcohol shipped in bond or tax-free in accordance with paragraphs (a) and (b) of this section, must be transported by the proprietor of the bonded warehouse or the authorized carrier personally, or by some person regularly and exclusively in their employ, and the right to the possession of any vehicle used for such transportation must be vested in the vendor or carrier.

(d) *Responsibility for delivery.* The consignor will be responsible for proper delivery of alcohol shipped in bond or tax-free to an authorized carrier, or to the premises of the consignee when delivery is made by the consignor. The consignee will likewise be responsible for the proper delivery to his permit premises of alcohol shipped to him in bond or tax-free and transported by him from the premises of the authorized carrier. Failure to make such delivery will be deemed to be grounds for citation for revocation of the basic permit of the person responsible for the proper delivery of the alcohol.

(e) *Certificate in bill of lading, waybill, etc.* When alcohol is transported by a carrier, as authorized herein, the proprietor of the shipping warehouse shall include in his bill of lading, waybill, express receipt, etc., a statement to the following effect: "Before making delivery, the agent of the delivering carrier at destination must have received from the consignee a certified copy of the withdrawal permit authorizing this shipment."

(1) *Exception; written statement.* Where no bill of lading is issued, as in the case of delivery by local express company, a written statement to the above effect, signed by the shipper, shall be delivered to the carrier. (Secs. 3070 (a), 3105, 3107, 3108, 3114, 3124 (a) (6), 3176, I. R. C.)

TRANSFER OF ALCOHOL IN BOND BETWEEN BONDED WAREHOUSES

§ 182.550 *General.* Alcohol may be transferred in bond from any bonded warehouse in original packages or other approved containers, or in tank trucks, after the same has been correctly weighed and proofed to determine the exact contents of each package, unless withdrawn on the original gauge, to another bonded warehouse as hereinafter provided. (Secs. 3105, 3107, 3124 (a) (6), 3176, I. R. C.)

§ 182.556 *Report of gauge, Form 1440.* The proprietor will prepare Form 1440, in quadruplicate, giving the details of the regauge, or original gauge if withdrawn on such gauge, of the alcohol. The proprietor will deliver all copies of the form to the storekeeper-gauger in charge, who shall upon shipment forward one copy to the supervisor of the district in which the shipping warehouse is located, and two copies, with one copy of Form 1439, to the storekeeper-gauger in charge of the receiving warehouse, and return the remaining copy to the proprietor of the shipping warehouse, who shall file the same as a permanent withdrawal record, as provided in § 182.643 (b). When shipment is made by tank truck as authorized by the regulations in this part, one copy each of Forms 1439 and 1440 for the storekeeper-gauger in charge at the receiving warehouse will be sealed in an envelope addressed to such storekeeper-gauger in charge and handed to the person in charge of the truck for delivery to the storekeeper-gauger in charge and the remaining copy of Form 1440 will be mailed to such storekeeper-gauger in charge. (Secs. 3101, 3105, 3107, 3124 (a) (6), 3176, I. R. C.)

§ 182.557 *Report of shipment, Form 1439.* When alcohol is transferred in bond to another bonded warehouse, the proprietor shall, at the time of shipment, prepare Form 1439, in duplicate, if shipment is made to a warehouse located within the same district, or in triplicate, if shipment is made to a warehouse located in another district, and immediately deliver all copies thereof to the storekeeper-gauger in charge, who shall, on the same day, forward one copy to the supervisor of the district from which the alcohol is shipped, one copy to the supervisor of the district to which the alcohol is shipped (where shipment is to another district), and the remaining copy to the storekeeper-gauger in charge of the receiving bonded warehouse, who, upon receipt of the alcohol, will dispose of the form in accordance with § 182.494. When shipment is made by tank truck in accordance with the regulations in this part, the copy of Form 1439 for the storekeeper-gauger in charge of the receiving bonded warehouse will be disposed of as provided by § 182.556. (Secs. 3101, 3105, 3107, 3124 (a) (6), 3176, I. R. C.)

WITHDRAWAL FOR DENATURATION

§ 182.560 *Shipment to denaturing plant located on other premises.* Alcohol may be withdrawn from a bonded warehouse for shipment to a denaturing plant located on other premises only pursuant to withdrawal permit, Form 1463, authorizing such shipment. Alcohol may be so shipped in tank cars, drums, or other approved containers, or in tank trucks. Such shipments may not be made until the proprietor of the bonded warehouse has received from the denaturer the withdrawal permit, Form 1463, naming him as vendor, and then only in the quantity specified in the withdrawal permit. Upon shipment the proprietor of the bonded warehouse will enter the shipment on the permit and return it to the denaturer, unless he has been authorized by the denaturer to retain the permit for the purpose of making future shipments.

(a) *Form 1439.* When alcohol is shipped to a denaturing plant located on other premises, the proprietor of the warehouse shall prepare Form 1439, in duplicate, if shipment is made to a denaturing plant located in the same district, or in triplicate, if shipment is made to a denaturing plant located in another district, and immediately deliver all copies thereof to the storekeeper-gauger in charge, who shall, on the same day, forward one copy to the district supervisor of the district from which the alcohol is shipped, one copy to the district supervisor of the district to which the alcohol is shipped (where shipment is to another district), and the remaining copy to the storekeeper-gauger in charge of the denaturing plant. When the shipment is made by tank truck as authorized by these regulations, the copy of Form 1439 for the storekeeper-gauger in charge at the receiving denaturing plant will be disposed of in accordance with § 182.561 (a). (Secs. 3070 (a), 3101, 3105,

3107, 3108 (a), 3114 (a), 3124 (a) (6), 3176, I. R. C.)

§ 182.561 *Gauging, marking, and stamping upon withdrawal.* When alcohol is transferred by pipe line, or shipped in tank cars or tank trucks, to a denaturing plant, it will be run into a weighing tank and weighed and proofed by the proprietor, in accordance with §§ 182.405 and 182.407. When alcohol is transferred or shipped to a denaturing plant in other approved containers, the proprietor will regauge the packages, unless withdrawn on the original gauge, and will mark each package in accordance with §§ 182.518 to 182.524: *Provided*, That where packages are transferred to a denaturing plant on the same premises the regauged markings prescribed by § 182.522 need not be placed upon the packages: *And provided further*, That where packages are filled from the receiving tanks of the industrial alcohol plant or from storage tanks in the bonded warehouse for transfer to the denaturing plant located on the same premises, and the alcohol is to be denatured immediately in such packages and the location of the receiving room, bonded warehouse and denaturing plant is such that the packages are transferred from the receiving room or bonded warehouse to the denaturing plant in the immediate personal presence of the storekeeper-gauger and under his constant observation, the district supervisor may authorize the data, which the regulations in this part require to be marked upon the Government head or side of the package, to be placed upon a label attached to the head or side of the container, in lieu of being printed, stenciled, or cut thereon. Such label shall be destroyed when the contents of the package are denatured.

(a) *Form 1440.* The proprietor will prepare Form 1440, in quadruplicate, giving the details of the regauge, or original gauge if withdrawn on such gauge, of the alcohol. The proprietor will deliver all copies of the form to the storekeeper-gauger in charge, who shall upon shipment forward one copy to the supervisor of the district in which the bonded warehouse is located, and two copies with one copy of Form 1439 to the storekeeper-gauger in charge of the denaturing plant, and return the remaining copy to the proprietor of the warehouse, who shall file the same as a permanent withdrawal record, as provided in § 182.643. When shipment is made by tank truck as authorized by the regulations in this part, one copy each of Forms 1439 and 1440 for the storekeeper-gauger in charge at the receiving denaturing plant will be sealed in an envelope addressed to such storekeeper-gauger in charge and handed to the person in charge of the truck for delivery to the storekeeper-gauger in charge and the remaining copy of Form 1440 will be mailed to such storekeeper-gauger in charge. (Secs. 3070 (a), 3101, 3105, 3107, 3108 (a), 3124 (a) (6), 3176, I. R. C.)

LOSSES OF ALCOHOL

§ 182.635 *Losses in transit.* Losses in transit to bonded warehouses must be determined at the time alcohol is received at the warehouse, and the loss reported on Form 1443–A when received in tank cars or tank trucks, and on Form 1443–B when received in packages. Where the quantity lost from any tank car, tank truck or package exceeds 1 per cent (3 per cent on wooden packages) of the quantity shipped therein, claim for remission of tax on the entire quantity lost from the container will be made by the proprietor, except as herein provided. If the loss does not exceed 1 per cent (3 per cent on wooden packages), so calculated, claim for remission of tax will not be required: *Provided*, That (a) claim for remission of tax will not be required for an amount less than one proof gallon, and (b) there are no circumstances indicating that the alcohol lost, or any part thereof, was unlawfully used or removed. (Secs. 3105, 3107, 3113, 3124 (a) (6), 3176, I. R. C.)

RECORDS AND REPORTS OF PROPRIETOR

§ 182.644 *Form 1441.* The proprietor of each bonded warehouse shall, at the close of each business day, prepare and deliver to the storekeeper-gauger in charge Form 1441, "Daily Report of Transactions," summarizing the production, receipt, and disposal of all alcohol in such bonded warehouse. The form shall be made in duplicate, one copy to be retained by the proprietor and one copy delivered to the storekeeper-gauger in charge, who will forward the same to the district supervisor. All items of alcohol entered in this return on Form 1441 must be carried into the monthly warehouse account, Forms 1443–A and 1443–B, under the same date for which the Form 1441 is rendered.

(a) *Entries from industrial alcohol plant.* In the column headed "Produced and deposited in warehouse" will be entered all alcohol drawn from the receiving tanks of the industrial alcohol plant on the same premises during the day for which the return is rendered. Entry must be made in this column of all alcohol removed from the receiving tanks, whether removed for storage in warehouse in tanks or packages, or whether removed for shipment in tank cars, tank trucks, cases, packages, or by pipe line to a denaturing plant.

(b) *Entries from other warehouses.* The serial numbers and proof-gallon content of packages or tank cars and the State license number and proof-gallon content of tank trucks of alcohol received from other bonded warehouses will be entered in the proper columns under the heading "Received from other bonded warehouses." If there is a difference in the quantity of alcohol thus received from the quantity shipped, special notation shall be made on the Form 1441.

* * * * *

(Secs. 3101, 3105, 3107, 3124 (a) (6), 3171, 3176, I. R. C.)

§ 182.645 *Form 1443-A.* The proprietor of every bonded warehouse shall keep a monthly record, Form 1443-A, "Report of Uncoopered Alcohol," and render monthly reports thereon, in triplicate, of all uncoopered alcohol produced, received, and disposed of. Entries shall be made daily in the respective columns of the quantity af alcohol produced and deposited in the warehouse, or received in bond at the bonded warehouse, packages filled, and the quantities withdrawn for shipment uncoopered.

(a) *Received from or produced by.* All alcohol drawn from receiving tanks in the industrial alcohol plant located on the same premises, whether for shipment direct from such receiving tanks or for storage in the warehouse, will be entered on the form. When alcohol is received from other bonded warehouses in tank cars, the symbol and serial number of the tank car and the quantity of alcohol received will be reported. When alcohol is received from other bonded warehouses in tank trucks the State license number of the truck and the quantity of alcohol received will be reported. The amount of alcohol lost in each tank car or tank truck in transit to the warehouse will be entered on the same line with the quantity stated as received in such tank car or tank truck. Losses in transit will not be included with the losses reported in the summary.

(b) *Packages filled.* Under the heading "Packages filled" will be entered the details of all packages filled, whether from receiving tanks in the industrial alcohol plant on the same premises or from storage tanks in the warehouse. Tank cars and tank trucks will not be reported under this heading.

(c) *Withdrawals.* Under the heading "Withdrawal for shipment" will be entered daily the quantity of alcohol shipped in tank cars, or tank trucks, or removed by pipe line to a denaturing plant on the same premises.

(d) *Special entries* — (1) *Repackaging and re-marking.* When the contents of packages in warehouse are repackaged, or packages received from other warehouses are re-marked, memorandum entry will be made in the statement of Packages Filled on Form 1443–A, showing the serial numbers used on the new packages.

(2) *Dumping.* Where the contents of packages are dumped into storage tanks for storage or repackaging of a portion thereof, the quantity dumped will be entered on Form 1443–A in the statement of "Uncoopered Alcohol Received or Produced," with proper explanatory note, and any new packages therefrom will be entered in the statement of "Packages Filled" on the form in the usual manner.

(3) *Other entries.* If alcohol is returned to an industrial alcohol plant for redistillation, appropriate entries will be made on Form 1443–A.

(e) *Summary*—In the appropriate space on Form 1443–A there must be entered at the end of the month a summary of the transactions reported thereon. The actual quantity of alcohol remaining in the storage tanks in the warehouse at the end of the month will be recorded and the losses from the storage tanks must be recorded. (Secs. 3101, 3105, 3107, 3171, 3124 (a) (6), 3176, I. R. C.)

OPERATORS OF INDUSTRIAL ALCOHOL DENATURING PLANTS

RECEIPT OF ALCOHOL

§ 182.696 *From industrial alcohol plant or bonded warehouse not located on the same premises.* Upon receiving Form 1440, with Form 1439, covering alcohol shipped to the denaturing plant, the storekeeper-gauger in charge of the denaturing plant will compare the two forms and deliver Form 1440 to the proprietor of the denaturing plant. When the alcohol is received at the denaturing plant the proprietor and the storekeeper-gauger will examine the shipment and where packages bear evidence of having sustained losses in transit or the railroad tank car or tank truck bears evidence of having sustained a loss, the losses will be determined and a report of such losses and of the examination of the shipment will be made in conformity with the provisions of §§ 182.492, 182.493 and 182.493a.

(a) *Deposit in denaturing plant.* Upon completion of the examination of the containers, the proprietor will accurately determine the quantity received and will check in the receipt of the alcohol against Form 1440 in the presence of the storekeeper-gauger, and will execute the certificate of receipt on both copies of the form and note thereon and on Form 1468–A any loss or deficiency in the shipment. The proprietor will then file one copy of Form 1440 as a permanent record, as provided in § 182.788, and at the close of the day will deliver the other copy to the storekeeper-gauger for transmittal to the district supervisor of his district. On the day of receipt of the alcohol, the storekeeper-gauger shall fill in the certificate of receipt on Form 1439, noting any losses and discrepancies. Where a loss in transit is sustained, the storekeeper-gauger will report the total loss and, in the case of packages, the loss from each package. The storekeeper-gauger will forward the receipted Form 1439 to the district supervisor of the district from which the alcohol was shipped. Such district supervisor will check daily, on receipt, each Form 1439 covering a tank truck shipment, and make any inquiry which he deems necessary with respect to any discrepancy. In the event of failure to receive a form from the storekeeper-gauger at the consignee's premises within the time normally required for the truck to make the shipment and the form to be sent by mail, the district supervisor will make appropriate investigation. (Secs. 3070, 3105, 3107, 3108 (a), 3114 (a), 3124 (a) (6), 3176, I. R. C.)

§ 182.698a *Alcohol received in tank trucks.* Alcohol received in tank trucks shall be gauged in weighing tanks and transferred immediately to storage tanks or to mixing tanks for immediate denaturation. When alcohol is received in tank trucks, the seals must be broken by the storekeeper-gauger assigned to the denaturing plant and no undenatured ethyl alcohol removed from the tank truck, except in the presence of such officer. (Secs. 3105, 3107, 3124 (a) (6), 3176, I. R. C.)

LOSSES OF ETHYL ALCOHOL

§ 182.774 *Losses in transit.* Losses in transit to denaturing plants must be determined at the time alcohol is received at the denaturing plant, and the loss reported on Form 1468–A. Where the quantity lost from any tank car, tank truck, or metal package exceeds 1 per cent, or 3 per cent in the case of any wooden package, of the quantity shipped therein, claim for remission of tax on the entire quantity lost from the container will be made by the proprietor, except as herein provided. If the loss does not exceed 1 per cent, or 3 per cent, so calculated, claim for remission of tax will not be required: *Provided,* That (a) claim for remission will not be required for an amount less than one proof gallon, and (b) there are no circumstances indicating that the alcohol lost, or any part thereof, was unlawfully used or removed. (Secs. 3105, 3107, 3113, 3124 (a) (6), 3176, I. R. C.)

CARRIERS

§ 182.904 *Possession by unauthorized carriers.* The transportation of tax-free or specially denatured alcohol, or of undenatured ethyl alcohol in tank trucks, by a carrier not authorized by permit to transport the same is a violation of law and renders the alcohol subject to forfeiture. (Secs. 3105, 3107, 3108 (a), 3111, 3114 (a), 3124 (a) (6), 3176, I. R. C.)

§ 182.908 *Restricted use of containers*—(a) *Tank wagons or tank trucks.* Tank wagons shall not be used for the transportation of undenatured ethyl alcohol. Tank trucks shall not be used for the transportation of undenatured ethyl alcohol except for transfer in bond between industrial alcohol plants, industrial alcohol bonded warehouses and denaturing plants as authorized by these regulations. Shipment of undenatured ethyl alcohol in tank trucks may be made only when the premises of the consignee are equipped with a sufficient number of alcohol storage tanks for the storage of such alcohol and the consignee is otherwise authorized to receive such shipment.

(b) *Railroad tank cars.* Shipment of alcohol or denatured alcohol by railroad tank cars may be made only when the premises of the consignor and consignee are equipped with satisfactory railroad siding facilities and the consignee is otherwise authorized to receive such shipment. (Secs. 3105, 3107, 3111, 3114 (a), 3124 (a) (6), 3176, I. R. C.)

§ 182.909 *Delivery*—(a) *By shipper to carrier.* The consignor will be responsible for proper delivery of tax-free or specially denatured alcohol, or of undenatured ethyl alcohol for transportation in tank trucks, to a carrier holding a basic permit to transport.

(b) *By carrier to United States or governmental agency.* Where tax-free or specially denatured alcohol is shipped to any department, bureau, commission, or independent office or agency of the United States Government, the same may be delivered by the carrier transporting the alcohol or denatured alcohol without the necessity of receiving copy of permit to procure such alcohol.

(1) *Receipt required.* In such cases, however, the person transporting the tax-free or specially denatured alcohol shall procure a receipt from the consignee which receipt shall show the name and address of the consignor and the consignee, the quantity of alcohol or specially denatured alcohol in the shipment, the date of delivery and the name of the person receiving the alcohol as agent for the consignee.

(2) *Filing of receipt.* The receipt shall be filed by the carrier in the file or binder containing copies of withdrawal permits covering other deliveries of tax-free or specially denatured alcohol. (Secs. 3105, 3107, 3111, 3114 (a), 3124 (a) (6), 3176, I. R. C.)

§ 182.910 *Delivery to agent of consignee.* Where the consignee is other than a natural person, a certain agent must be specially designated in writing to receive shipments of tax-free or specially denatured alcohol, or undenatured ethyl alcohol in tank trucks, and the carrier transporting the tax-free or specially denatured alcohol, or undenatured ethyl alcohol, must receive a copy of the document making the designation before delivery. Where the consignee is a natural person, the tax-free or specially denatured alcohol or undenatured ethyl alcohol must be delivered to him personally, unless he furnishes the carrier with an affidavit to the effect that it is impracticable for him to receive the tax-free or specially denatured alcohol or undenatured ethyl alcohol personally and designating some certain agent to receive the same for him, in which event, the carrier may deliver the tax-free or specially denatured alcohol or undenatured ethyl alcohol to such agent. Such affidavits shall be filed in the same manner as receipts, in accordance with the provisions of § 182.909. (Secs. 3105, 3107, 3111, 3114 (a), 3124 (a) (6), 3176, I. R. C.)

§ 182.911 *Inability to deliver.* When tax-free or specially denatured alcohol, or undenatured ethyl alcohol in tank trucks, cannot for any reason be delivered by the carrier at the point of destination, the carrier shall return it to the original shipper in accordance with the regulations of the Interstate Commerce Commission, unless the district supervisor, upon application of the consignor, authorizes delivery of the alcohol to another permittee.

(a) *Notification.* When alcohol or denatured alcohol or undenatured ethyl alcohol is so returned, the carrier shall notify the original shipper and shall forward a copy of the notification to the district supervisor of the district in which the original shipper is located with a statement of the facts. (Secs. 3105, 3107, 3111, 3114 (a), 3124 (a) (6), 3176, I. R. C.)

§ 182.912 *Record book to be kept.* Each person holding a basic permit (Form 145) to transport tax-free or specially denatured alcohol, or undenatured ethyl alcohol in tank trucks, is required to keep at the place of shipment a record in book form containing the following information covering such alcohol received for transportation:

(a) Name and address of the consignor and consignee;

(b) Kind (tax-free, specially denatured or undenatured ethyl alcohol) and quantity of alcohol contained in each package or other container; and

(c) Date of shipment. (Secs. 3105, 3107, 3114, 3124 (a) (6), 3176, I. R. C.)

§ 182.913 *Change in proprietorship, etc.* Where there is a change in the proprietorship, persons interested in the business, or change in the individual, firm, or corporate name, trade name or style of a carrier holding basic permit to transport tax-free or specially denatured alcohol, or undenatured ethyl alcohol in tank trucks, the carrier must comply with the provisions of §§ 182.650 to 182.652. (Secs. 3105, 3107, 3124 (a) (6), 3176, I. R. C.)

3. This Treasury decision shall be effective on the 31st day following the date of its publication in the FEDERAL REGISTER.

(Secs. 2808, 2829, 2885, 2891, 3070, 3101, 3105, 3106, 3107, 3108, 3111, 3113, 3114, 3115, 3124 (a) (6), 3170, 3171, 3176, Internal Revenue Code, sec. 309 (a), Tariff Act of 1930; 26 U. S. C., 2808, 2829, 2885, 2891, 3070, 3101, 3105, 3106, 3107, 3108, 3111, 3113, 3114, 3115, 3124 (a) (6), 3170, 3171, 3176, 19 U. S. C. Supp. V, 1309 (a))

[F. R. Doc. 49-6733; Filed, Aug. 17, 1949; 8:55 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 946]

HANDLING OF MILK IN LOUISVILLE, KY., MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND TO PROPOSED AMENDMENT TO ORDER, AS AMENDED

Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreement and orders (7 CFR 900.1 et seq.), a public hearing was held at Louisville, Kentucky, on March 23 to 25, both dates inclusive, pursuant to a notice issued on March 11, 1949 (14 F. R. 1196).

Upon the basis of the evidence introduced at such hearing and the record thereof, the Assistant Administrator, Production and Marketing Administration, on July 15, 1949, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. The notice of the filing of such recommended decision and opportunity to file written exception thereto was published in the FEDERAL REGISTER July 21, 1949 (14 F. R. 4556).

The material issues presented on the record were whether:

(1) Receiving stations should participate in the market-wide pool if such stations do not furnish a substantial portion of their receipts of milk from producers to the marketing area as fluid milk or fluid cream during the delivery periods of September through March;

(2) The provisions relating to the classification of milk should be clarified;

(3) The level of prices for Class I milk and Class II milk should be revised;

(4) A provision should be incorporated to prevent contraseasonal movements of prices for Class I milk and Class II milk during the delivery periods of April through June and September through November;

(5) The price to be paid to producers by handlers for Class I milk disposed of outside of the marketing area during the delivery periods of December through August should be the Class II price;

(6) The provisions of the order which provide for a price credit to handlers on a limited quantity of butterfat from producer milk used to produce butter during the delivery periods of April, May, and June should be revised to provide for such credit on unlimited quantities of butterfat from producer milk used to produce butter during all delivery periods;

(7) The rate of deductions made in computing the uniform price for the months of April, May, and June to be paid to producers during the months of September, October, and November as a fall production incentive premium should be revised;

(8) The deductions made by handlers in making payments to producers, who are not members of a qualified cooperative, should be increased to provide sufficient funds to the market administrator for the performance of marketing services to such producers; and

(9) The pro rata assessment against each handler should be increased to provide sufficient funds to the market administrator for the administration of the order.

Rulings on exceptions. Exceptions to the recommended decision were filed by certain producers and on behalf of the Louisville Milk Distributors Association representing the majority of handlers who would be subject to the proposed marketing agreement and to the proposed order amending the order, as amended. In arriving at the findings, conclusions, and actions decided upon in this decision each of the exceptions was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings, conclusions, and actions decided upon herein with respect to the several issues are at variance with the exceptions pertaining thereto such exceptions are overruled.

Findings and conclusions. The following findings and conclusions on the material issues decided herein are hereby made upon the basis of the record of the hearing:

(1) The proposal which would provide for the disqualification as participants in the market-wide pool of receiving stations which did not furnish a substantial portion of their receipts to the marketing area as fluid milk or fluid cream during the delivery periods of September through March should not be adopted.

Producers proposed that milk receiving stations which do not ship to the marketing area as fluid milk or fluid cream at least 95 percent of their receipts from producers during the period October through February and 25 percent of such receipts during September and March should be excluded from the pooling provisions of the order. During the hearing handlers suggested that shipments of 60 percent instead of 95 percent of receipts from producers during the fall and winter months should be sufficient for pool plant qualification.

According to proponents, the need for this kind of provision arises from the danger that dealers or processors of milk engaged primarily in manufacturing might attempt to become qualified as handlers under the order and obtain the benefits of pooling their purchases of milk from producers with the general supply of the market without assuming the responsibility for serving the market with Class I and Class II milk. Such a condition would have the tendency to reduce returns to producers regularly supplying the market and might result in an oversupply of milk for the market and this, it was stated, would be detrimental to the general stability of prices and dependability of supply in the market.

Although the danger which the proponents described might arise at some future time in this market, the record of this hearing does not disclose an immediate need for such provision. Moreover, there are alternative means of dealing with the problem. These alternatives, however, were not explored at the hearing and it was not evident whether the method proposed would be the best of the available alternatives. No discussion was had for instance of the efficacy of location differentials, the institution of an individual handler pool, or adjustment of surplus prices in dealing with this matter.

As the amendment was proposed it would apply only to receiving stations. The evidence did not disclose whether this restriction to one class of handlers would result in unequal effects as against other groups of handlers. Any proposal for dealing with matters of this kind must apply equally to all handlers in similar circumstances. Finally, it is difficult to ascertain from the evidence whether a specific figure—either 95 percent as proposed by the producers or 60 percent as proposed by handlers—would meet the varying needs of the market for milk. During the past there have been times when the market's needs were so great that 95 percent of all the milk received from all qualified producers was needed for Class I and Class II sales. At other times, however, the market's needs for Class I and Class II uses have been considerably less than 95 percent of the receipts of producer milk. It would be uneconomical, unnecessary, and disruptive to require handlers under penalty of losing their pool status to ship to the marketing area for Class I or Class II needs more milk than can be sold in these uses.

While it appears neither necessary nor desirable to deal with this problem at this time, the possibility of the occurrence of difficulties described by proponents makes it desirable for further study to be given to this matter and if the problem becomes more immediate in

character further consideration may be given to it at a future hearing.

(2) *Classification of skim milk and butterfat.* The provisions of the order, as amended, relating to the classification of skim milk and butterfat should be clarified.

(i) Under the present order, skim milk and butterfat disposed of in fluid form as milk, skim milk, buttermilk, and milk drinks (plain or flavored), and skim milk and butterfat the utilization of which is not accounted for as having been used or disposed of as Class II or Class III milk has been classified as Class I milk. Skim milk and butterfat disposed of in fluid form as fluid cream (including sour cream), eggnog, and cereal mix has been classified as Class II milk. Skim milk and butterfat used to produce ice cream, ice cream mix, frozen cream, butter, cheese, condensed and evaporated milk, and all other manufactured uses of milk have been classified as Class III milk. Skim milk and butterfat disposed of in any form for livestock feed, and milk, skim milk, cream, and other milk products disposed of to soda fountains, restaurants, bakeries, candy and soup manufacturers, and retail food establishments which, under the applicable health regulations, are permitted to receive ungraded milk, skim milk, and cream for nonfluid purposes, have been classified as Class III milk if used or disposed of by such establishment in nonfluid form.

The classification scheme as interpreted in the past has resulted in milk and those products (except eggnog), which are required by the health authorities in the marketing area to be derived from milk produced under the sanitary standards, being placed in Class I and Class II milk. Such products as ice cream, ice cream mix, frozen cream, butter, cheese, condensed and evaporated milk, and other milk products, which need not be made from graded milk and which are made from such milk only at times when a handler's supply of graded milk is in excess of his needs for graded milk, have been placed in Class III milk.

Handlers argued that eggnog, which is not required by the health authorities in the marketing area to be derived from inspected milk, should be placed in Class III milk. In view of the health regulations applicable to the sale of eggnog in the marketing area, it is concluded that eggnog should be placed in Class III milk. Furthermore, it is concluded that the provisions of the order should be revised so as to more clearly set forth the classification scheme discussed herein.

(ii) The provisions relating to the computation of plant shrinkage applicable to receipts of producer milk and other source milk should be revised to clarify the basis upon which shrinkage is to be prorated between such sources. In so doing it is not proposed that the intent or interpretation of the present provision be altered. However, it might be argued that the present language—"if milk from producers is utilized as milk, skim milk, or cream in conjunction with other source milk, the shrinkage * * *"—would require that shrinkage be prorated only when milk was commingled. Under the system of accounting generally followed in fluid milk plants, it is virtually impossible to maintain separate accounting on the utilization of the two types of milk in a particular plant even in cases where there is no commingling of the milk.

In order that there will be no confusion as to the intent of the language in the order, it should be revised to provide that shrinkage will be prorated whenever producer milk and other source milk are "received" in lieu of the present "utilized in conjunction with."

The provisions relating to the computation of plant shrinkage should also be clarified with respect to transfers of milk, skim milk, or cream from a handler's approved plant to an unapproved plant of such handler. The present language—"if milk from producers is transferred * * *"—should be revised to read "if skim milk and butterfat are transferred * * *" because it is generally not possible to determine the source from which such transfers were obtained, i. e., producer milk or other source milk. Therefore, shrinkage on such transfers in the unapproved plant should be computed on a pro rata basis with all receipts of milk, skim milk, and cream at such plant and added to the shrinkage of producers' milk and other source milk received in the approved plant.

The revision of this provision does not change its intent or the manner in which the provision is presently being interpreted.

(iii) The provisions relating to the reclassification of skim milk and butterfat which have been classified in one class but are later used or reused by such handler or by another handler in another class should be clarified. In order to compute a current delivery period price, it is necessary to place inventories in some class temporarily. In the case of frozen cream, condensed skim milk, and other condensed milk products, such inventories may not be ultimately used for several months. Obviously, if such products are later used in another class, appropriate adjustment in the price to the handler should be made. Such a principle should also apply to milk and milk products transferred to another handler, if he disposes of them in a class other than the class in which they were temporarily placed. However, it is impracticable in some instances for the market administrator to follow the movement of such products until they are ultimately used. The order should require the market administrator to reclassify milk and milk products whenever there is insufficient milk in the class in which it was originally classified to contain the use claimed by the handler.

(3) The proposal to revise the level of prices of Class I and Class II milk should not be adopted.

Under the present pricing provisions of the order the price for Class I and Class II milk is determined by adding specified differentials to a basic formula price which consists of the higher of 4 computed values of milk for manufacturing uses. These differentials for Class I and Class II milk are $1.25 and $0.70, respectively, during the months of September through March, and $1.05 and $0.50, respectively, during the months of April through August.

At the hearing, producers proposed that the differentials for the months of July and August should be the same as those for the fall and winter months of September through March. This would mean an increase of 20 cents per hundredweight in the Class I and Class II price differentials during July and August.

The proposal was not supported by evidence establishing either that present differentials on an annual average basis were proving insufficient to induce an adequate supply of milk in relation to market sales, or that the months of July or August specifically were affected by an inadequate production to supply market needs. In this respect, record data on sales and receipts of milk indicate these months bear a closer resemblance to months of flush production than to the months of the fall and winter period.

The proponents argued that the months of July and August were closely akin to the months of September through March in that they are months of retarded supply because of arid pastures and high temperatures during this season of the year. Furthermore, it was stated that milk production each year in the past has established its course downward by July making it necessary that production programs be geared to include and carry through these transition months.

No evidence in addition to these allegations was introduced which would indicate the scope and extent to which production practices in the Louisville market in the months of July and August were to be distinguished from the months of heaviest production or which would indicate the additional elements of cost involved in July and August.

(4) The proposal to incorporate a provision which would prevent a contraseasonal movement of prices for Class I and Class II milk during the months of April through June and September through November should not be adopted at this time.

Producers proposed that the price for Class I and Class II milk during the months of April through June should not be more than the March price for such milk and the price for Class I and Class II milk during the months of September through November should not be less than the August price for such milk. In support of this proposal, it was stated that the provision is needed to prevent a repetition of the drastic decline of prices which took place in the fall of 1948.

It is recognized that drastic fall price declines might arise at some future time in this market, however, the record of this hearing does not disclose an immediate need for such provision. In this connection the announced milk and butterfat support programs of the Department of Agriculture make it extremely unlikely that a contraseasonal decline will occur in the price of Class I and Class II milk during the fall of 1949. In the meantime, further study should be given to this matter with respect to the extent and the time that adjust-

ments should be made in the relationship of the price for Class I and Class II milk to general level of milk prices.

(5) The proposal that the order provisions be amended to permit handlers to pay the Class II price for Class I milk disposed of on wholesale and retail routes outside of the marketing area during the delivery periods, of December through August should not be adopted. Under the present order provisions handlers are required to pay the same price for Class I milk disposed of outside of the marketing area as they pay for Class I milk disposed of within the marketing area.

Milk so disposed of by Louisville handlers is the same quality milk as disposed of within the marketing area and is subject to the same transportation costs in moving from the farm to the handler's plant. Furthermore, these out-of-area sales represent a continuing and regular demand throughout the year and have no aspects of an outlet for seasonal surpluses of producer milk. For these reasons it is inappropriate to provide for a lower price for Class I milk disposed of outside the area.

As an alternate to the proposal for a special price provision, it was proposed that the marketing area should be extended to include Washington, Scott, and Clark Counties in Indiana. Persons who would be thus subject to regulation were not notified that such a proposal would be discussed and were not present to testify on the proposal. Therefore, the alternate proposal cannot be considered at this time.

(6) The provisions of the order which provide for a price credit to handlers on a limited quantity of butterfat from producer milk used to produce butter during the delivery periods of April, May, and June should not be revised to provide for such credit on unlimited quantities of butterfat from producer milk used to produce butter during all delivery periods.

The present provisions of the order provide that if a handler uses producer butterfat received during April, May, and June to produce butter, a price credit shall be given such handler equivalent to 0.10 times the average daily wholesale price per pound of 92-score butter in the Chicago market on such butterfat so used which is not in excess of 10 percent of such handler's disposition of Class I butterfat. Handlers proposed that this price credit be extended to cover all producer butterfat used in the production of butter during all months of the year.

In support of their proposal handlers argued that an unlimited butter class was needed because of burdensome surpluses. While it is true that receipts of producer milk have increased, it was not shown that such receipts were in excess of the market's requirements for fluid milk, fluid cream, ice cream, condensed and evaporated milk and other higher valued uses than butter. Furthermore, there is no evidence to indicate that any producer has been unable to find a market for his milk in the marketing area. On the contrary, the record shows that handlers have been active in encouraging additional graded producers to enter the market. Under these circumstances it is difficult to visualize the existence of a burdensome surplus in the market on a year-round basis.

Handlers excepted to the denial of their proposal for an unlimited butter class contending that substantial quantities of butterfat were used in the production of butter in each month of the year 1948. In the Louisville market there are several handlers who operate dual plants, i. e., a fluid milk plant and a manufacturing plant. Ungraded milk, which is not priced under the order, is received and processed in the manufacturing plant and producer milk is received and processed in the fluid milk plant. The testimony in this regard did not show what portion of the butterfat used in the production of butter during the year 1948 was derived from butterfat in milk received from producers and from butterfat in ungraded milk received at the manufacturing plant.

(7) The rate of deductions made in computing the uniform price for the months of April, May, and June to be paid back to producers during the months of September, October, and November as a fall production incentive premium should be revised to relate such deductions to the level of the basic formula prices.

The fall premium plan became operative in the Louisville market in April 1944—15 cents per hundredweight being deducted from the uniform price during April, May, and June. Incorporated in the plan was a graduated scheme whereby this rate was increased 5 cents per hundredweight each year resulting in a deduction of 35 cents per hundredweight in the spring of 1948. Such rate for April, May, and June of 1949 and subsequent years in accordance with the provisions of the order would have been 40 cents per hundredweight. However, on April 1, 1949, a suspension order was issued fixing such rate of deduction at 30 cents per hundredweight for April, May, and June of 1949.

Producers argued at the hearing that such rate of deduction should be related to the level of producer prices. During the period of stepping up such rate of deductions the level of prices to producers was increasing. However, prices to producers are now at a lower level. The evidence indicates that the specified deduction rate of 40 cents per hundredweight during the year 1950 would be too severe and rigid in view of lower producer prices. It is believed that the deduction rate should be related to the level of milk prices prevailing in the market. It is, therefore, concluded that the deduction rate should be an amount representing 8 percent of the average of the announced basic formula prices for the 12 months of the previous calendar year. This would give producers advance notice of the rate to be deducted and would effect changes in such deductions from year to year in line with changes in the general level of prices paid to producers. For convenience this deduction should be rounded to the nearest full cent.

(8) The deductions to be made by handlers in making payments to producers, who are not members of a qualified cooperative pursuant to § 946.9 (b), should be increased from 4 cents to 5 cents per hundredweight in order to provide sufficient funds to the market administrator for the performance of marketing services to such producers. The present 4 cent deduction is insufficient to defray current expenses in performing marketing services to such nonmembers. The increase of 1 cent per hundredweight in these deductions will provide the market administrator with the additional funds annually which are necessary to verify weights, samples, and tests of milk received from such producers and to provide them with market information. In the event the volume of milk received from these producers increases or the cost of performing these services decreases to the extent that a lesser deduction would prove to be sufficient, provision is made which would enable the Secretary to reduce the rate of deductions accordingly.

(9) The pro rata assessment against each handler should be increased from 2 cents to 2.5 cents per hundredweight on all producer milk received by such handler and all other source milk classified as Class I and Class II pursuant to § 946.3 (e) in order to provide the funds necessary for the maintenance and functioning of the market administrator in the administration of the order. The present income has been insufficient to cover current expenses incurred by the market administrator and the market administrator has been able to finance the administration of the order currently only through the use of reserve funds. However, this reserve has been reduced below the level that should be maintained to meet contingencies which may arise. Both producers and handlers recognize that the market administrator should have the necessary funds to enable him to administer properly the terms of the order. The record indicates that an assessment rate of 2.5 cents per hundredweight on the present volume of producer milk and all other source milk classified as Class I and Class II pursuant to § 946.3 (e) should provide the funds necessary for the maintenance and functioning of the market administrator in the administration of the order. In the event the volume of such milk increases or such expenses of the market administrator decrease to the extent that a lesser rate would provide such necessary funds, provision is made which would enable the Secretary to reduce the rate accordingly.

(10) *General.* (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in the said tentatively approved marketing agreement upon which hearings have been held; and

(c) The prices calculated to give milk produced for sale in the said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and

8e of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for such milk, and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Louisville, Kentucky, Marketing Area," and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the Louisville, Kentucky, Marketing Area," which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as hereby further amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 15th day of August 1949.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

Order,[1] Amending the Order, as Amended, Regulating Handling of Milk in Louisville, Ky., Marketing Area

§ 946.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary to and in addition to the findings and determinations made in connection with the issuance of this order and each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure, as amended, governing the formulation of marketing agreements and orders (7 CFR 900.1 et seq.), a public hearing was held March 23–25, 1949, upon a proposed amendment to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Louisville, Kentucky, milk marketing area. The recommended decision (14 F. R. 4556) was made by the Assistant Administrator of the Production and Marketing Administration on July 15, 1949. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The prices calculated to give milk produced for sale in said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8e of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the order, as amended and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is hereby found that a pro rata assessment on handlers at a rate of 2.5 cents per hundredweight, or such amount not in excess thereof as the Secretary may prescribe, with respect to all receipts by the handler, during the delivery period, of (i) milk from producers (including such handler's own production), and (ii) other source milk classified as Class I and Class II milk pursuant to § 946.3 (e), upon which payment is required pursuant to § 946.10 of this order, will provide the funds necessary for the maintenance and functioning of the market administrator in the administration of this order and such assessment is approved.

Order relative to handling. It is hereby ordered, that on and after the effective date hereof, the handling of milk in the Louisville, Kentucky, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby further amended; and the aforesaid order, as amended, is hereby further amended as follows:

1. Delete subparagraphs (1), (2), and (3) of § 946.3 (b) and substitute therefor the following:

(1) Class I milk shall be all skim milk and butterfat (i) disposed of in fluid form as milk, skim milk, buttermilk, and milk drinks, whether plain or flavored, except skim milk and butterfat disposed of in fluid form for livestock feed, and (ii) not specifically accounted for as Class II milk or Class III milk.

(2) Class II milk shall be all skim milk and butterfat disposed of as fluid cream (including sour cream), and any cream product disposed of in fluid form which is required by the appropriate health authority in the marketing area to be made from approved milk or cream.

(3) Class III milk shall be all skim milk and butterfat (i) used to produce a product other than those specified in Class I milk and Class II milk, including skim milk and butterfat disposed of for livestock feed, (ii) in actual plant shrinkage of skim milk and butterfat in milk received from producers, but not to exceed 2 percent of such receipts of skim milk and butterfat, respectively, and (iii) in actual plant shrinkage of skim milk and butterfat in other source milk: *Provided,* That if milk is diverted by a handler to a plant of another handler without first having been received for purposes of weighing and testing in the diverting handler's plant, the respective quantities of skim milk and butterfat contained in such milk shall be included in the receipts of skim milk and butterfat, respectively, of the second handler in computing his plant shrinkage and shall be excluded from the receipts of skim milk and butterfat, respectively, of the diverting handler in the latter's plant shrinkage computation: *And provided further,* That (*a*) if milk from producers and other source milk are received by a handler during the delivery period at a plant, described under subparagraphs (1) or (2) of § 946.1 (e), the shrinkage of skim milk and butterfat, respectively, allocated to milk received from producers and other source milk shall be computed pro rata according to the proportions of the volumes of skim milk and butterfat, respectively, received from such sources to their total, and (*b*) if skim milk and butterfat are transferred as milk, skim milk, or cream by a handler from a plant described under subparagraphs (1) or (2) of § 946.1 (e) to any other plant of such handler, under supporting transfer records satisfactory to the market administrator, the shrinkage of skim milk and butterfat, respectively, on the aforesaid transferred portion shall be computed on a pro rata basis with the skim milk and butterfat, respectively, contained in all fluid milk, skim milk, and cream received in the latter plant and added to the shrinkage of skim milk and butterfat in milk of producers and other source milk received by such handler in the plants described under subparagraphs (1) and (2) of § 946.1 (e).

2. Delete subparagraphs (2) and (3) of § 946.3 (c) and substitute therefor the following:

(2) All skim milk and butterfat disposed of in the form of any item specified in paragraph (b) (1) of this section from a handler's plant to soda fountains, restaurants, bakeries, candy and soup manufacturers, and retail food establishments shall be Class I milk, and all skim milk and butterfat so disposed of in the form of any item specified in paragraph (b) (2) of this section shall be Class II milk: *Provided,* That skim milk and butterfat disposed of in any form in bulk from a handler's plant to any such establishment which, under the applicable health regulations, is permitted to receive milk, skim milk, and cream of other than Grade A quality for nonfluid purposes shall be

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders have been met.

classified as Class III milk if used or disposed of by such establishment in nonfluid form, provided such use or disposition is made subject to verification by the market administrator.

3. Renumber § 946.3 (c) (4) as § 946.3 (c) (3).

4. Amend subparagraphs (1) (i), (1) (ii), and (3) (as renumbered herein) of § 946.3 (c) by substituting the words "fluid cream" for the word "cream" wherever it appears.

5. Delete § 946.3 (d) (3) (i) and substitute therefor the following:

(i) Converting to quarts the quantity of milk, skim milk, and cream disposed of in fluid form as milk, skim milk, buttermilk, and milk drinks, whether plain or flavored, except skim milk and butterfat disposed of in fluid form for livestock feed, and multiply by 2.15;

6. Delete the second sentence of § 946.5 (d) (2) and substitute therefor the following: "If, in the verification of the reports of any handler made pursuant to paragraph (a) of this section, the market administrator finds that any skim milk or butterfat was used or reused by such handler or by another handler in a class other than that in which it was first classified such skim milk or butterfat shall be reclassified accordingly and the adjustments necessary to reflect the reclassified value of such skim milk or butterfat shall be made in the billing computed for such handler for the delivery period following such reclassification."

7. Delete § 946.7 (b) (3) and substitute therefor the following:

(3) Subtract for each of the delivery periods of April, May, and June an amount computed by multiplying the total hundredweight of milk received from producers, by handlers whose milk values are included under subparagraph (1) of this paragraph, by 8 percent of the average of the announced basic formula prices, rounded to the nearest cent, for the 12 months of the previous calendar year.

8. Delete § 946.9 (a) and substitute therefor the following:

(a) *Deductions for marketing services.* Except as set forth in paragraph (b) of this section, each handler, in making payments to producers pursuant to § 946.8 (a), shall deduct 5 cents per hundredweight, or such amount not in excess thereof as the Secretary may prescribe, with respect to all milk received by such handler from producers (excluding such handler's own farm production) during the delivery period and shall pay such deductions to the market administrator on or before the 15th day after the end of such delivery period. Such moneys shall be used by the market administrator to verify weights, samples, and tests of milk received by handlers from such producers and to provide such producers with market information. Such services shall be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

9. Delete § 946.10 and substitute therefor the following:

§ 946.10 *Expense of administration.* As his pro rata share of the expense of administration hereof, each handler shall pay to the market administrator, on or before the 15th day after the end of the delivery period, 2.5 cents per hundredweight, or such amount not in excess thereof as the Secretary may prescribe, with respect to all receipts by such handler, during the delivery period, of (a) milk from producers (including such handler's own production), and (b) other source milk classified as Class I milk and Class II milk pursuant to § 946.3 (e). Each cooperative association which is a handler shall pay such pro rata share of expense on only that milk of producers caused to be delivered by such cooperative association to a plant from which no milk is disposed of in the marketing area and milk received from producers at a plant of such association.

[F. R. Doc. 49-6751; Filed, Aug. 17, 1949; 8:56 a. m.]

[7 CFR, Part 946]

MILK IN LOUISVILLE, KY., MARKETING AREA

ORDER OF SECRETARY OF AGRICULTURE DIRECTING THAT A REFERENDUM BE CONDUCTED; DESIGNATION OF AGENT TO CONDUCT SUCH REFERENDUM; DETERMINATION OF REPRESENTATIVE PERIOD

Pursuant to section 8c (19) of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, it is hereby directed that a referendum be conducted among the producers who, during the month of June 1949, were engaged in the production of milk for sale in the Louisville, Kentucky, marketing area to determine whether such producers favor the issuance of the proposed order contained in the decision issued simultaneously herewith.[1]

The month of June 1949 is hereby determined to be a representative period for the conduct of such referendum.

Daniel N. Hammond is hereby designated agent to conduct such referendum in accordance with the instructions contained in Form Dr-14 and any other supplementary instructions which may be issued by the Director or Acting Director of the Dairy Branch, Production and Marketing Administration; and such referendum shall be completed on or before the 20th day from the date set forth herein below.

Done at Washington, D. C., this 15th day of August 1949.

CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 49-6736; Filed, Aug. 17, 1949; 9:16 a. m.]

[7 CFR, Part 986]

BUDGET OF EXPENSES FOR PERIOD JULY 2, 1949, TO JULY 31, 1950

CHANGE IN RATE OF ASSESSMENT

Consideration is being given to the approval of the proposals, hereinafter set forth, which were submitted by the Hop Control Board, established under Marketing Agreement No. 107 and Order No. 86 (7 CFR, Part 986; 14 F. R. 3660), regulating the handling of hops grown in Oregon, California, Washington, and Idaho, and of hop products produced therefrom in these States, as the agency to administer the terms and provisions thereof.

All persons who desire to submit written data, views, or arguments in connection with the proposals should file the same with the Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 10th day after the publication of this notice in the FEDERAL REGISTER.

A proposed budget, totaling $110,250.00 for the period July 2, 1949, to July 31, 1950, inclusive, was adopted by a resolution of the Hop Control Board at a duly called meeting in Portland, Oregon, on July 22 and 23, 1949. The resolution also requested the Secretary's approval of the budget of expenses, which approval is required by § 986.7 of the marketing agreement and order.

On the basis of the provisions of the marketing agreement and order, the Control Board also adopted a resolution changing the rate of assessment, specified in § 986.7 (b) (2) of the marketing agreement and order, from one-fourth of one cent per pound, net dry weight, of hops handled, to three-tenths of one cent per pound, net dry weight, of hops handled. The present rate of assessment, if applied against the proposed salable quantity, would not provide a sum equal to the total of the proposed budget of expenses. The increased assessment rate, however, would provide the requisite sum.

The proposals of the Hop Control Board are as follows:

§ 986.300 *Change in rate of assessment; and budget of expenses for the period July 2, 1949, to July 31, 1950, inclusive*—(a) *Change in rate of assessment.* Beginning with the effective date hereof, the rate of assessment, specified in § 986.7 (b) (2) of the marketing agreement and order, in the sum of one-fourth of one cent per pound, net dry weight, of hops handled, shall be changed to three-tenths of one cent per pound, net dry weight, of hops handled.

(b) *Budget of expenses.* Expenses in the amount of $110,250.00 are reasonable and likely to be incurred by the Hop Control Board (including, but not limited to, the Growers Allocation Committee and the several Growers Advisory Committees) established pursuant to the provisions of the marketing agreement and order, for its maintenance and functioning, during the period July 2, 1949, through July 31, 1949, and the marketing season beginning on August 1, 1949.

As used in this section, the terms "salable quantity," "hops," "hop products," "handled," and "marketing season" shall have the same meaning as when used in the marketing agreement and order.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 7 CFR, Part 986, 14 F. R. 3660)

[1] See F. R. Doc. 49-6751, *supra*.

Done at Washington, D. C., this 15th day of August 1949.

[SEAL] C. F. KUNKEL,
Acting Director,
Fruit and Vegetable Branch.

[F. R. Doc. 49-6716; Filed, Aug. 17, 1949; 8:49 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR, Part 526]

DECORTICATION AND DRYING OF RAMIE FIBRE

EXEMPTION AS INDUSTRY OF SEASONAL NATURE

An application has been filed for a determination that the industry engaged in the decortication and drying of ramie fibre constitutes an industry of a seasonal nature within the meaning of section 7 (b) (3) of the Fair Labor Standards Act of 1938 (52 Stat. 1063; 29 U. S. C. 207 (b) (3)) and Part 526, as amended, of the regulations issued thereunder (29 CFR, Part 526).

It appears from the application that (1) there is an industry which is engaged in the decortication and drying of ramie fibre; (2) ramie matures and is harvested during a regularly recurring season each year beginning about the middle of May and ending about the middle of August each year; (3) ramie stalks must be decorticated not later than 12 hours after cutting to prevent spoilage; (4) ramie stalks are decorticated and dried during a regularly recurring season of approximately 22 weeks each year; and (5) ramie processing establishments cease production during the remainder of the year except for such work as maintenance, repair, clerical and sales work, because ramie stalks are no longer available for decortication and drying as a result of natural conditions.

It also appears from the application that practically all of the ramie produced in the United States is decorticated and dried in the State of Florida.

No information is available with respect to the decortication and drying of ramie fibre elsewhere in the United States.

Accordingly, upon consideration of the facts stated in the application, the Administrator hereby determines, pursuant to § 526.5 (b) (2) of the regulations relating to industries of a seasonal nature (29 CFR, Part 526), that a prima facie case has been shown for finding that the industry engaged in the decortication and drying of ramie fibre in the State of Florida constitutes an industry of a seasonal nature within the meaning of section 7 (b) (3) of the Fair Labor Standards Act of 1938 and Part 526, as amended, of the regulations issued thereunder.

The term "decortication and drying of ramie fibre" includes the receipt of ramie stalks at the factory site, topping, decorticating, squeezing, heat drying, bailing, shipping, and any operations or services necessary or incident to the foregoing during seasonal operations.

If no objection and request for hearing is received within 15 days following the publication of this preliminary determination, the Administrator, pursuant to § 526.5 (b) (2) of the regulations will make a finding upon the prima facie case. Objections and requests for hearing from any interested person should be submitted in writing to the Wage and Hour and Public Contracts Divisions, Department of Labor Building, 14th and Constitution, Washington, D. C. The application for exemption may be examined in Room 5112 at this address.

Signed at Washington, D. C., this 11th day of August 1949.

WM. R. MCCOMB,
Administrator, Wage and Hour and Public Contracts Divisions.

[F. R. Doc. 49-6718; Filed, Aug. 17, 1949; 8:49 a. m.]

FEDERAL SECURITY AGENCY

Food and Drug Administration

[21 CFR, Part 19]

[Docket No. FDC-46]

CHEESES, PROCESSED CHEESES, CHEESE FOODS, CHEESE SPREADS, AND RELATED FOODS; DEFINITIONS AND STANDARDS OF IDENTITY

NOTICE OF ORDER FURTHER EXTENDING TIME FOR FILING WRITTEN EXCEPTIONS TO TENTATIVE ORDER

On April 15, 1949, notice of proposed rule making was issued by the Acting Federal Security Administrator, and published in the FEDERAL REGISTER of April 22, 1949 (14 F. R. 1960 et seq.). The notice provided that any interested person whose appearance was filed at the hearing may, within 90 days from the date of publication, file with the Hearing Clerk, Federal Security Agency, Room 5109, Federal Security Building, Fourth Street and Independence Avenue SW., Washington, D. C., written exceptions thereto, which may be accompanied by a memorandum or brief in support thereof. On July 12, 1949, the time for filing exceptions was extended to August 20, 1949 (14 F. R. 3921).

The Federal Security Administrator having been petitioned by interested persons to further extend the time within which exceptions and supporting briefs may be filed, and good cause therefor appearing, it is ordered that the time for filing exceptions and supporting memoranda or briefs is hereby extended to October 4, 1949.

Dated: August 12, 1949.

[SEAL] OSCAR R. EWING,
Administrator.

[F. R. Doc. 49-6720; Filed, Aug. 17, 1949; 8:50 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR, Part 1]

[Docket No. 9320]

PRACTICE AND PROCEDURE

ORDER SCHEDULING ORAL ARGUMENT

In the matter of amendment of Parts 0 and 1 of the Commission's rules and regulations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 10th day of August 1949.

The Commission having under consideration written comments filed with respect to the notice of proposed rule making, adopted May 18, 1949 (14 F. R. 2764) in the above entitled proceeding, proposing the adoption of amendments to Part 0 of the Commission's statement of delegations of authority and Part 1 of the Commission's rules and regulations so as to permit existing licensees or permittees of broadcast stations to obtain authority to locate, maintain, and use studies or apparatus for the production of programs to be transmitted or delivered to foreign radio stations by informal application in those cases where such programs will be or have been broadcast by the licensee or permittee; and

It appearing, that comments have been received requesting oral argument with respect to the proposal contained in said notice of proposed rule making;

It is ordered, That the Commission will hear said oral argument on October 17, 1949, at 10 a. m. in Room 6121, New Post Office Building, 12th and Pennsylvania Avenue NW., Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-6726; Filed, Aug. 17, 1949; 8:52 a. m.]

[47 CFR, Part 3]

[Docket No. 9412]

RADIO BROADCAST SERVICES

CLASS A AND CLASS B STATIONS

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The proposed rules and standards would amend §3.203 and § 3.204 of the Commission's rules and regulations.

3. The proposed revised rules would remove the present requirements of §§ 3.203 (a) and 3.204 (a) as to the minimum coverage of Class A and Class B stations. This change would permit the required coverage of these stations to be determined in accordance with the existing requirements of the rules and the Standards of Good Engineering Practice with regard to the minimum field intensity required in the principal city and metropolitan district to be served. Sections 3.203 (a) and 3.204 (a) would be amended to read as follows:

§ 3.203 *Class A stations.* (a) A Class A station is a station which operates on a Class A channel and is designed to render service primarily to a community or to a city or town other than the principal city of an area, and the surrounding rural area. The coverage of a Class A station shall be not more than the equivalent [2] of 1 kilowatt effective radiated power and antenna height of 250 feet above average terrain, as determined by the methods prescribed in the Standards of Good Engineering Practice Concerning FM Broadcast Stations. A Class A station will not be licensed with more than 1 kilowatt effective radiated power. The power rating of the transmitter used for a Class A station shall be not less than 250 watts nor more than 1 kilowatt. The signal intensity requirements of section 2 of the Standards of Good Engineering Practice Concerning FM Broadcast Stations shall determine the minimum coverage of a Class A station. Class A stations will normally be protected to the 1 mv/m contour; however, assignments will be made in a manner to insure, insofar as possible, a maximum of service to all listeners, whether urban or rural, giving consideration to the minimum signal capable of providing service.

§ 3.204 *Class B stations.* (a) A Class B station is a station which operates on a Class B channel and is designed to render service primarily to a metropolitan district or principal city and the surrounding rural area, or to rural areas removed from large centers of population. The service area of a Class B station will not be protected beyond the 1 mv/m contour; however, Class B assignments will be made in a manner to insure, insofar as possible, a maximum of service to all listeners, whether urban or rural, giving consideration to the minimum signal capable of providing service. Standard power ratings of transmitters used for Class B stations shall be 1 kw. or greater. The signal intensity requirements of Section 2 of the Standards of Good Engineering Practice Concerning FM Broadcast Stations shall determine the minimum coverage of a Class B station. In the following sub-sections, antenna height above average terrain and effective radiated power are to be determined by the methods prescribed in the Standards of Good Engineering Practice Concerning FM Broadcast Stations.

(1) The coverage of a Class B station in Area 1 shall be not more than the equivalent [2] of 20 kilowatts effective radiated power and antenna height of 500 feet above average terrain.[3] A Class B station in Area 1 will not be licensed with an effective radiated power greater than 20 kilowatts.

(2) The coverage of a Class B station in Area II shall normally be not more than the equivalent [2] of 20 kilowatts effective radiated power and antenna height of 500 feet above average terrain.[3] The use of greater power and antenna height will be encouraged in those portions of area II where such use would not result in undue interference to stations already authorized or to probable assignments insofar as can be determined at the time of the grant. In such case, the power, antenna height, and area will be determined on the merits of each application with particular attention being given to rural areas which would not otherwise receive service.

4. The proposed revised rules would delete §§ 3.203 (d) and 3.204 (c) which sections withheld from assignment certain FM channels until June 30, 1947; and would also delete footnote 3 appended to § 3.203 (b) which temporarily withheld the authorization of Class A stations in central cities of metropolitan districts having 4 or more standard broadcast stations.

5. The proposed rules and standards are issued under the authority of sections 303 (a), (b), (c), (d), (e), (f), and (r) of the Communications Act of 1934, as amended.

6. Any interested person who is of the opinion that the proposed amendments should not be adopted, or should not be adopted in the form set forth may file with the Commission on or before September 16, 1949, a written statement or brief setting forth his comments. Persons desiring to support the amendments may also file comments by the same date. The Commission will consider all comments, briefs, and arguments presented before taking final action with respect to the proposed rules.

Fifteen copies of each brief or written statement should be filed as required by § 1.764 of the Commission's rules and regulations.

Adopted: August 10, 1949.

Released: August 11, 1949.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-6721; Filed, Aug. 17, 1949; 8:51 a. m.]

[2] For the purpose of determining equivalent coverage, the 1 mv/m contour should be used.

[3] In the determination of appropriate coverage, consideration should be given to population distribution, terrain, service from other FM stations, trade area, and other economic factors. Among the recognized trade area authorities are the following: J. Walter Thompson (Retail Shopping Areas), Hearst Magazines, Inc. (Consumer Trading Areas), Rand McNally Map Co. (Trading Areas) and Hagstrom Map Co. (Four color Retail Trading Area Map).

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 2109953]

CALIFORNIA

RESTORATION ORDER NO. 1205 UNDER FEDERAL POWER ACT

AUGUST 12, 1949.

Pursuant to the determination of the Federal Power Commission (DA-646, California) and in accordance with 43 CFR 4.275 (a) (16) (Departmental Order No. 2238 of August 16, 1946, 11 F. R. 9080), it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals, the land hereinafter described, having been withdrawn in Power Project No. 187 on March 14, 1921, is hereby restored for placer mining only, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075), as amended:

MOUNT DIABLO MERIDIAN

T. 19 N., R. 9 E.,
Sec. 10, NE¼SE¼SE¼ and SE¼NE¼SE¼;
Sec. 11, NW¼SW¼SW¼ and SW¼NW¼SW¼.

The area described contains 40 acres.

The above described land is within the Tahoe National Forest.

Effective immediately, the lands affected by this order shall be subject to application by the State of California for rights of way for public highways or as a source of material for the construction and maintenance of such highways, under applicable laws and regulations contained in §§ 244.42-244.46 of Title 43 of the Code of Federal Regulations (Circular No. 1237b, May 31, 1943, 8 F. R. 7717) as provided by the act of Congress approved May 28, 1948 (62 Stat. 275).

This order shall otherwise become effective at 10:00 a. m., on the 91st day after the date of this order.

ROSCOE E. BELL,
Associate Director.

[F. R. Doc. 49-6702; Filed, Aug. 17, 1949; 8:46 a. m.]

[Misc. 52600]

CALIFORNIA

RESTORATION ORDER NO. 1285 UNDER FEDERAL POWER ACT

AUGUST 12, 1949.

Pursuant to the following listed determinations of the Federal Power Commission and in accordance with 43 CFR 4.275 (a) (16) (Departmental Order No. 2238 of August 16, 1946, 11 F. R. 9080), it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals

the lands hereinafter described in California so far as they are withdrawn or reserved for power purposes are hereby restored to location and entry under the United States mining laws only, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075, 16 U. S. C. 818), as amended, and subject to the stipulation that if and when the land is required wholly or in part for purposes of power development, any structures or improvements located thereon which shall be found to interfere with such development shall be moved or relocated as may be necessary to eliminate interference with the power development without expense to the United States, its permittees or licensees:

Determination No.	Date and type of withdrawal	Description of land
		Humboldt Meridian
DA-696 DA-700 DA-701 DA-706	Power site classification No. 115, approved Sept. 21, 1925.	T. 6 N., R. 5 E., Sec. 26, E½NW¼NE¼, NE¼SW¼NE¼; Sec. 35, N½NE¼, SW¼NE¼, NW¼SE¼NE¼, NE¼NW¼, S½SE¼NE¼SE¼. T. 7 N., R. 5 E., Sec. 8, N½SE¼SE¼; Sec. 9, SW¼SW¼SW¼; Sec. 17, E½NW¼NE¼. containing 255 acres.
The above described lands are within the Trinity National Forest.		
		Mount Diablo Meridian
DA-690	Proposed project No. 249, Sept. 14, 1921.	T. 23 N., R. 10 E., sec. 15, N½N½NE¼, containing 40 acres.
The above described land is within the Plumas National Forest.		
		Mount Diablo Meridian
DA-702	Proposed project No. 187, Apr. 6, 1922.	T. 17 N., R. 11 E., Sec. 20, NE¼NE¼; Sec. 22, W½NE¼ and NW¼, containing 280 acres.

The above described lands are within the Tahoe National Forest.

Effective immediately, the lands affected by this order shall be subject to application by the State of California for rights of way for public highways or as a source of material for the construction and maintenance of such highways, under applicable laws and regulations contained in §§ 244.42–244.46 of Title 43 of the Code of Federal Regulations (Circular No. 1237b, May 31, 1943, 8 F. R. 7717), as provided by the act of Congress approved May 28, 1948 (62 Stat. 275).

This order shall otherwise become effective at 10:00 a. m., on the 91st day after the date of this order.

ROSCOE E. BELL,
Associate Director.

[F. R. Doc. 49-6703; Filed, Aug. 17, 1949; 8:46 a. m.]

CALIFORNIA

CLASSIFICATION ORDER

AUGUST 3, 1949.

1. Pursuant to the authority delegated to me by the Director, Bureau of Land Management, by Order No. 319 dated July 19, 1948 (43 CFR 50.451 (b) (3), 13 F. R. 4278), I hereby classify under the Small Tract Act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. section 682a), as hereinafter indicated, the following described land in the Los Angeles, California, land district, embracing 160 acres,

CALIFORNIA SMALL TRACT CLASSIFICATION No. 166

For lease and sale for homesites only:

T. 6 N., R. 11 W., S. B. M.,
Sec. 24, SE¼.

Situated at the junction of 80th Street and Avenue Q east, the land is located approximately 8 miles east of Palmdale, California, and is reached via Avenue Q–8, a surfaced county road. This tract is practically level, the dominant vegetation being creosote bush and yucca.

The area is best suited to homesites, and domestic water can be reached by drilling to a depth of approximately 100 feet. A typically healthy desert climate, with scant rainfall and high summer temperatures, prevails. Big Pines, a Los Angeles County "playground", is located in the mountains only 25 miles south.

2. As to applications regularly filed prior to 9:00 a. m., June 20, 1949, and are for the type of site for which the land is classified, this order shall become effective upon the date it is signed.

3. As to the land not covered by applications referred to in paragraph 2, this order shall not become effective to permit leasing under the Small Tract Act until 10:00 a. m., October 5, 1949. At that time such land shall, subject to valid existing rights, become subject to application as follows:

(a) Ninety-day preference period for qualified veterans of World War II from 10:00 a. m., October 5, 1949, to the close of business on January 3, 1950.

(b) Advance period for veterans' simultaneous filings from 9:00 a. m., June 20, 1949, to the close of business on October 5, 1949.

4. Any of the land remaining unappropriated shall become subject to application under the Small Tract Act by the public generally, commencing at 10:00 a. m., January 4, 1950.

(a) Advance period for simultaneous nonpreference filings from 9:00 a. m., June 20, 1949, to the close of business on January 4, 1950.

5. Applications filed within the periods mentioned in paragraph 3 (b) and 4 (a) will be treated as simultaneously filed.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

6. All of the land will be leased in tracts of approximately 5 acres, each being approximately 330 by 660 feet, the longer dimensions to extend north and south.

7. Preference right leases referred to in paragraph 2 will be issued for the land described in the application irrespective of the direction of the tract, provided the tract conforms to or is made to conform to the area and the dimensions specified in paragraph 6.

8. Where only one five-acre tract in a ten-acre subdivision is embraced in a preference right application, an application for the remaining five-acre tract extending in the same direction will be accepted in order to fill out the subdivision notwithstanding the direction specified in paragraph 6.

9. Leases will be for a period of five years at an annual rental of $5.00 payable for the entire lease period in advance of the issuance of the lease. Leases will contain an option to purchase clause at the appraised value of $20.00 an acre, application for which may be filed at or after the expiration of one year from date the lease is issued.

10. Tracts will be subject to rights-of-way not exceeding 33 feet in width along or near the edges thereof for road purposes and public utilities. Such rights-of-way may be utilized by the Federal Government, or the State, County or municipality in which the tract is situated, or by any agency thereof. The rights-of-way may, in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to the issuance of the patent. If not so located, they may be subject to location after patent is issued.

11. All inquiries relating to these lands should be addressed to the Manager, District Land Office, Los Angeles, California.

L. T. HOFFMAN,
Regional Administrator.

[F. R. Doc. 49-6704; Filed, Aug. 17, 1949; 8:46 a. m.]

CALIFORNIA

CLASSIFICATION ORDER

JULY 27, 1949.

1. Pursuant to the authority delegated to me by the Director, Bureau of Land Management, by Order No. 319 dated July 19, 1948 (43 CFR 50.451 (b) (3) 13 F. R. 4278), I hereby classify under the Small Tract Act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. section 682a), as hereinafter indicated, the following described land in the Los Angeles, California, land district, embracing 95.77 acres,

CALIFORNIA SMALL TRACT CLASSIFICATION No. 178

For lease and sale for homesites only:

T. 5 N., R. 2 W., S. B. M.,
Sec. 8, Tracts numbered 9, 10, 11, 12, 13, 17, 18, 19, 20 (formerly parts of Lots 1 and 2), Tracts numbered 23, 28, 29, 34, 35, 43 (formerly parts of Lots 3 and 6).
Sec. 17, Tracts numbered 9, 10, 11, 12 (formerly part of Lot 1).

These lands are located approximately 10 miles east of Victorville and 1 to 3 miles north of State Highway 18 in San Bernardino County, California. The topography is rolling, with a general westerly slope. The elevation is approximately 3,200 feet above sea level. The climate is arid and the vegetative cover is a desert shrub type. The lands have little potential productive value and should be considered only for homesite purposes by prospective applicants. Opportunities for employment in the vicinity are limited.

2. As to applications regularly filed prior to 10:30 a. m., February 10, 1949, and are for the type of site for which the land is classified, this order shall become effective upon the date it is signed.

3. As to the land not covered by applications referred to in paragraph 2, this order shall not become effective to permit leasing under the Small Tract Act until 10:00 a. m., September 28, 1949. At that time such land shall, subject to valid existing rights, become subject to application as follows:

(a) Ninety-day preference period for qualified veterans of World War II from 10:00 a. m., September 28, 1949, to the close of business on December 27, 1949.

(b) Advance period for veterans' simultaneous filings from 10:30 a. m., February 10, 1949, to the close of business on September 28, 1949.

4. Any of the land remaining unappropriated shall become subject to application under the Small Tract Act by the public generally, commencing at 10:00 a. m., December 28, 1949.

(a) Advance period for simultaneous nonpreference filings from 10:30 a. m., February 10, 1949, to the close of business on December 28, 1949.

5. Applications filed within the periods mentioned in paragraph 3 (b) and 4 (a) will be treated as simultaneously filed.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

6. All of the land will be leased in rectangular tracts as delineated on the supplemental plat of survey on file, approved June 20, 1949, the longer dimensions to extend north and south in Section 17, the direction to vary in Section 8 in accordance with the supplemental plat.

7. Preference right leases referred to in paragraph 2 will be issued for the land described in the application irrespective of the direction of the tract, provided the tract conforms to or is made to conform to the area and the dimensions specified in paragraph 6.

8. Where only one five-acre tract in a ten-acre subdivision is embraced in a preference right application, an application for the remaining five-acre tract extending in the same direction will be accepted in order to fill out the subdivision notwithstanding the direction specified in paragraph 6.

9. Leases will be for a period of five years at an annual rental of $5.00 payable for the entire lease period in advance of the issuance of the lease. Leases will contain an option to purchase clause at the appraised value of $75.00 per tract for those in Section 8, and $50.00 per tract for those in Section 17, application for which may be filed at or after the expiration of one year from date the lease is issued.

10. Tracts will be subject to rights-of-way not exceeding 33 feet in width along or near the edges thereof for road purposes and public utilities. Such rights-of-way may be utilized by the Federal Government, or the State, County or municipality in which the tract is situated, or by any agency thereof. The rights-of-way, may in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to the issuance of the patent. If not so located, they may be subject to location after patent is issued.

11. All inquiries relating to these lands should be addressed to the Manager, District Land Office, Los Angeles, California.

L. T. HOFFMAN,
Regional Administrator.

[F. R. Doc. 49-6705; Filed, Aug. 17, 1949; 8:46 a. m.]

CALIFORNIA

CLASSIFICATION ORDER

JULY 27, 1949.

1. Pursuant to the authority delegated to me by the Director, Bureau of Land Management, by Order No. 319 dated July 19, 1948 (43 CFR 50.451 (b) (3) 13 F. R. 4278), I hereby classify under the Small Tract Act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. section 682a), as hereinafter indicated, the following described land in the Los Angeles, California, land district, embracing 186.70 acres,

CALIFORNIA SMALL TRACT CLASSIFICATION No. 179

For lease and sale for homesites only:

T. 5 N., R. 2 W., S. B. M.,
Sec. 3, Tracts numbered 5, 6, 7, 8, 9, 10, 11, 12 (formerly Lots 3 and 4).
Sec. 4, Tracts numbered 3, 4, 5, 6, 7, 8, 9, 10 (formerly Lots 3 and 4).
Sec. 8, Tracts numbered 24, 25, 26, 27, 30, 31, 32, 33, 36, 37, 38, 39, 44, 45, 46, 47 (formerly Lots 4 and 5).
Sec. 17, Tracts numbered 13, 14, 15, 16, 17, 18, 19, 20 (formerly Lot 2).

These lands are located approximately 10 to 13 miles east of Victorville and 1 to 4 miles north of State Highway 18 in San Bernardino County, California. The topography is rolling, with a general westerly slope. The elevation is approximately 3200 feet above sea level. The climate is arid and the vegetative cover is a desert shrub type. The lands have little potential productive value and should be considered only for homesite purposes by prospective applicants. Opportunities for employment in the vicinity are limited.

2. As to applications regularly filed prior to 11:40 a. m., March 2, 1948, and are for the type of site for which the land is classified, this order shall become effective upon the date it is signed.

3. As to the land not covered by applications referred to in paragraph 2, this order shall not become effective to permit leasing under the Small Tract Act until 10:00 a. m., September 28, 1949. At that time such land shall, subject to valid existing rights, become subject to application as follows:

(a) Ninety-day preference period for qualified veterans of World War II from 10:00 a. m., September 28, 1949, to the close of business on December 27, 1949.

(b) Advance period for veterans' simultaneous filings from 11:40 a. m., March 2, 1948, to the close of business on September 28, 1949.

4. Any of the land remaining unappropriated shall become subject to application under the Small Tract Act by the public generally, commencing at 10:00 a. m., December 28, 1949.

(a) Advance period for simultaneous nonpreference filings from 11:40 a. m., March 2, 1948, to the close of business on December 28, 1949.

5. Applications filed within the periods mentioned in paragraph 3 (b) and 4 (a) will be treated as simultaneously filed.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Per-

sons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

6. All of the land will be leased in rectangular tracts as delineated on the supplemental plats of survey on file, approved June 20, 1949, the longer dimensions to extend north and south in Sections 3, 4 and 17, and east and west in Section 8.

7. Preference right leases referred to in paragraph 2 will be issued for the land described in the application irrespective of the direction of the tract, provided the tract conforms to or is made to conform to the area and the dimensions specified in paragraph 6.

8. Where only one five-acre tract in a ten-acre subdivision is embraced in a preference right application, an application for the remaining five-acre tract extending in the same direction will be accepted in order to fill out the subdivision notwithstanding the direction specified in paragraph 6.

9. Leases will be for a period of five years at an annual rental of $5.00 payable for the entire lease in advance of the issuance of the lease. Leases will contain an option to purchase clause at the appraised value of $75.00 per tract for those in Sections 3, 4 and 8, and $50.00 per tract for those in Section 17, application for which may be filed at or after the expiration of one year from date the lease is issued.

10. Tracts will be subject to rights-of-way not exceeding 33 feet in width along or near the edges thereof for road purposes and public utilities. Such rights-of-way may be utilized by the Federal Government, or the State, County or municipality in which the tract is situated, or by any agency thereof. The rights-of-way may, in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to the issuance of the patent. If not so located, they may be subject to location after patent is issued.

11. All inquiries relating to these lands should be addressed to the Manager, District Land Office, Los Angeles, California.

L. T. HOFFMAN,
Regional Administrator.

[F. R. Doc. 49-6706; Filed, Aug. 17, 1949; 8:47 a. m.]

CALIFORNIA

CLASSIFICATION ORDER

JULY 28, 1949.

1. Pursuant to the authority delegated to me by the Director, Bureau of Land Management, by Order No. 319 dated July 19, 1948 (43 CFR 50.451 (b) (3) 13 F. R. 4278), I hereby classify under the Small Tract Act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. section 682a), as hereinafter indicated, the following described land in the Los Angeles, California, land district, embracing 326.47 acres,

CALIFORNIA SMALL TRACT CLASSIFICATION NO. 180

For lease and sale for homesite purposes:

T. 3 N., R. 1 E., S. B. M.,
Sec. 3, Lots 1, 8, 9 and 12, N½SW¼ and E½SE¼.

Leases will not be issued for lands in Lots 1, 8, 9 and 12 until approved supplemental plats are filed dividing the acreage into tracts.

These lands are located in the foothills along the southern edge of Lucerne Valley in San Bernardino County, California, about 8 miles north of the Big Bear recreational area and 6 miles southeast of Lucerne Valley Post Office. State Highway 18 from Victorville to Big Bear Lake passes through the section. The topography is rolling to hilly with washes and gullies draining northerly through the lands. The elevation ranges from about 3,600 to 4,000 feet. The climate is arid and vegetation consists of desert shrubs. The surface is generally very rocky and parts of the area are covered with boulders. Homesite development will be costly on much of the land and there is little possibility of deriving income from the land. Prospective applicants should consider the land for recreational homesite use primarily.

2. As to applications regularly filed prior to 8:30 a. m., November 2, 1948, and are for the type of site for which the land is classified, this order shall become effective upon the date it is signed.

3. As to the land not covered by applications referred to in paragraph 2, this order shall not become effective to permit leasing under the Small Tract Act until 10:00 a. m., September 29, 1949. At that time such land shall, subject to valid existing rights, become subject to applications as follows:

(a) Ninety-day preference period for qualified veterans of World War II from 10:00 a. m., September 29, 1949, to the close of business on December 28, 1949.

(b) Advance period for veterans' simultaneous filings from 8:30 a. m., November 2, 1948, to the close of business on September 29, 1949.

4. Any of the land remaining unappropriated shall become subject to application under the Small Tract Act by the public generally, commencing at 10:00 a. m., December 29, 1949.

(a) Advance period for simultaneous nonpreference filings from 8:30 a. m., November 2, 1948, to the close of business on December 29, 1949.

5. Applications filed within the periods mentioned in paragraph 3 (b) and 4 (a) will be treated as simultaneously filed.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

6. All of the land will be leased in tracts of approximately 5 acres, each being approximately 330 by 660 feet, the longer dimensions to extend east and west in Lot 12, N½SW¼ and E½SE¼, north and south in Lots 1, 8 and 9.

7. Preference right leases referred to in paragraph 2 will be issued for the land described in the application irrespective of the direction of the tract, provided the tract conforms to or is made to conform to the area and the dimensions specified in paragraph 6.

8. Where only one five-acre tract in a ten-acre subdivision is embraced in a preference right application, an application for the remaining five-acre tract extending in the same direction will be accepted in order to fill out the subdivision notwithstanding the direction specified in paragraph 6.

9. Leases will be for a period of five years at an annual rental of $5.00 payable for the entire lease period in advance of the issuance of the lease. Leases will contain an option to purchase clause at the appraised value of $50.00 per tract of 5 acres, more or less, application for which may be filed at or after the expiration of one year from date the lease is issued.

10. Tracts will be subject to rights-of-way not exceeding 33 feet in width along or near the edges thereof for road purposes and public utilities. Such rights-of-way may be utilized by the Federal Government, or the State, County or municipality in which the tract is situated, or by any agency thereof. The rights-of-way may, in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to the issuance of the patent. If not so located, they may be subject to location after patent is issued.

11. All inquiries relating to these lands should be addressed to the Manager, District Land Office, Los Angeles, California.

L. T. HOFFMAN,
Regional Administrator.

[F. R. Doc. 49-6707; Filed, Aug. 17, 1949; 8:47 a. m.]

CALIFORNIA

CLASSIFICATION ORDER

JULY 28, 1949.

1. Pursuant to the authority delegated to me by the Director, Bureau of Land Management, by Order No. 319 dated July 19, 1948 (43 CFR 50.451 (b) (3) 13 F. R. 4278), I hereby classify under the Small Tract Act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. section 682a), as hereinafter indicated, the following described land in the Los Angeles, California, land district, embracing 161.45 acres,

CALIFORNIA SMALL TRACT CLASSIFICATION NO. 181

For lease and sale for homesite purposes:

T. 4 N., R. 1 E., S. B. M.,
Sec. 33, Tracts numbered 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40 (formerly Lots 1, 4, 5 and 6).

These lands are located in the foothills along the southern edge of Lucerne Valley in San Bernardino County, California, about 8 miles north of the Big Bear recreational area and 6 miles southeast of Lucerne Valley Post Office. State Highway 18 from Victorville to Big Bear Lake passes through the section. The topography is rolling to hilly with washes and gullies draining northerly through the lands. The elevation ranges from about 3,600 to 4,000 feet. The climate is arid and vegetation consists of desert shrubs. The surface is generally very rocky and parts of the area are covered with boulders. Homesite development will be costly on much of the land and there is little possibility of deriving income from the land. Prospective applicants should consider the land for recreational homesite use primarily.

2. As to applications regularly filed prior to 8:30 a. m., November 8, 1948, and are for the type of site for which the land is classified, this order shall become effective upon the date it is signed.

3. As to the land not covered by applications referred to in paragraph 2, this order shall not become effective to permit leasing under the Small Tract Act until 10:00 a. m., September 29, 1949. At that time such land shall, subject to valid existing rights, become subject to application as follows:

(a) Ninety-day preference period for qualified veterans of World War II from 10:00 a. m., September 29, 1949, to the close of business on December 28, 1949.

(b) Advance period for veterans' simultaneous filings from 8:30 a. m., November 8, 1949, to the close of business on September 29, 1949.

4. Any of the land remaining unappropriated shall become subject to application under the Small Tract Act by the public generally, commencing at 10:00 a. m., December 29, 1949.

(a) Advance period for simultaneous nonpreference filings from 8:30 a. m., November 8, 1948, to the close of business on December 29, 1949.

5. Applications filed within the periods mentioned in paragraph 3 (b) and 4 (a) will be treated as simultaneously filed.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

6. All of the land will be leased in rectangular tracts as delineated on the supplemental plat of survey on file, approved June 20, 1949, the longer dimensions to extend east and west in the tracts in former Lot 1, and north and south in the tracts in former Lots 4, 5, and 6.

7. Preference right leases referred to in paragraph 2 will be issued for the land described in the application irrespective of the direction of the tract, provided the tract conforms to or is made to conform to the area and the dimensions specified in paragraph 6.

8. Where only one five-acre tract in a ten-acre subdivision is embraced in a preference right application, an application for the remaining five-acre tract extending in the same direction will be accepted in order to fill out the subdivision notwithstanding the direction specified in paragraph 6.

9. Leases will be for a period of five years at an annual rental of $5.00 payable for the entire lease in advance of the issuance of the lease. Leases will contain an option to purchase clause at the appraised value of $50.00 per tract of 5 acres, more or less, application for which may be filed at or after the expiration of one year from date the lease is issued.

10. Tracts will be subject to rights-of-way not exceeding 33 feet in width along or near the edges thereof for road purposes and public utilities. Such rights-of-way may be utilized by the Federal Government, or the State, County or municipality in which the tract is situated, or by any agency thereof. The rights-of-way may, in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to the issuance of the patent. If not so located, they may be subject to location after patent is issued.

11. All inquiries relating to these lands should be addressed to the Manager, District Land Office, Los Angeles, California.

L. T. HOFFMAN,
Regional Administrator.

[F. R. Doc. 49-6708; Filed, Aug. 17, 1949; 8:47 a. m.]

NEVADA

CLASSIFICATION ORDER

JULY 27, 1949.

1. Pursuant to the authority delegated to me by the Director, Bureau of Land Management, by Order No. 319 dated July 19, 1948 (43 CFR 50.451 (b) (3) 13 F. R. 4278), I hereby classify under the Small Tract Act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. section 682a), as hereinafter indicated, the following described land in the Carson City, Nevada, land district, embracing 40 acres,

NEVADA SMALL TRACT CLASSIFICATION NO. 43

For lease and sale for homesites only:

T. 21 S., R. 61 E., M. D. M.,
Sec. 32, SE¼SW¼.

The land is situated in southeastern Nevada and approximately 5 miles south of the City of Las Vegas, Nevada. The area is one that is used extensively for health and recreational purposes. It is a typical desert area with mild winters and very hot summers.

2. As to applications regularly filed prior to 9:30 a. m., July 19, 1949, and are for the type of site for which the land is classified, this order shall become effective upon the date it is signed.

3. As to the land not covered by applications referred to in paragraph 2, this order shall not become effective to permit leasing under the Small Tract Act until 10:00 a. m., September 28, 1949. At that time such land shall, subject to valid existing rights, become subject to application as follows:

(a) Ninety-day preference period for qualified veterans of World War II from 10:00 a. m., September 28, 1949, to the close of business on December 27, 1949.

(b) Advance period for veterans' simultaneous filings from 9:30 a. m., July 19, 1949, to the close of business on September 28, 1949.

4. Any of the land remaining unappropriated shall become subject to application under the Small Tract Act by the public generally, commencing at 10:00 a. m., December 28, 1949.

(a) Advance period for simultaneous nonpreference filings from 9:30 a. m., July 19, 1949, to the close of business on December 28, 1949.

5. Applications filed within the periods mentioned in paragraph 3 (b) and 4 (a) will be treated as simultaneously filed.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

6. All of the land will be leased in tracts of approximately 5 acres, each being approximately 330 by 660 feet, the longer dimensions to extend north and south.

7. Preference right leases referred to in paragraph 2 will be issued for the land described in the application irrespective of the direction of the tract, provided the tract conforms to or is made to conform to the area and the dimensions specified in paragraph 6.

8. Where only one five-acre tract in a ten-acre subdivision is embraced in a preference right application, an application for the remaining five-acre tract extending in the same direction will be accepted in order to fill out the subdivision not withstanding the direction specified in paragraph 6.

9. Leases will be for a period of five years at an annual rental of $5.00 payable for the entire lease period in advance of the issuance of the lease.

Leases will contain an option to purchase clause at the appraised value of $50.00 an acre, application for which may be filed at or after the expiration of one year from date the lease is issued.

10. Tracts will be subject to rights-of-way for road purposes and public utilities, as follows:

16½ feet along south side of N½SE¼SW¼.
16½ feet along north side of S½SE¼SW¼.
16½ feet along west side of SE¼SE¼SW¼.
16½ feet along east side of SW¼SE¼SW¼.

Such rights-of-way may be utilized by the Federal Government, or the State, County or municipality in which the tract is situated, or by any agency thereof. The rights-of-way may, in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to the issuance of the patent. If not so located, they may be subject to location after patent is issued.

11. All inquiries relating to these lands should be addressed to the Acting Manager, District Land Office, Carson City, Nevada.

L. T. HOFFMAN,
Regional Administrator.

[F. R. Doc. 49-6709; Filed, Aug. 17, 1949; 8:48 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 2796]

HUGHES TOOL CO. AND TRANSCONTINENTAL & WESTERN AIR INC.; INVESTIGATION

NOTICE OF HEARING

In the matter of transactions between Hughes Tool Company and Transcontinental & Western Air, Inc., and related matters.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 408 and 1001 of said act, that a hearing in the above-entitled proceeding is hereby assigned to be held on October 3, 1949, at 10:00 a. m., in Room of U. S. Commissioner, 520 United States Post Office & Courthouse Building, Temple & Spring Streets, Los Angeles, California, before Examiner Edward T. Stodola.

The Board, by Order Serial Number E-289, dated February 7, 1947, instituted an investigation in the above-entitled proceeding for the purpose of:

(1) Determining whether a certain letter agreement dated January 8, 1947, between Hughes Tool Company and Transcontinental & Western Air, Inc., (TWA) accepted by the Board of Directors of TWA on January 9, 1947, or any arrangement or action related thereto, or any change in the activities of Hughes Tool Company in the field of aeronautics since October 17, 1944, has resulted or will result in an acquisition of control of TWA for which Board approval is required pursuant to section 408 of the Civil Aeronautics Act of 1938, as amended;

(2) Determining whether such acquisition of control, if any, is consistent with the public interest and fulfills the conditions of said section 408;

(3) Entering any such order or taking any such further action herein as may be appropriate pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended.

The Board by Order Serial No. E-657, dated June 18, 1947, ordered, inter alia, that a hearing first be held to determine whether the transactions referred to in paragraph (1), above, have resulted or will result in an acquisition of control of TWA for which Board approval is required pursuant to section 408 of the Civil Aeronautics Act of 1938, as amended, and that the hearing on the other issues raised by its order of February 7, 1947, be deferred pending the Board's decision on the aforesaid issue.

By opinion and order, dated June 30, 1948, Serial No. E-1735, the Board decided that the transactions evidenced by the aforesaid letter agreement, dated January 8, 1947, between the Hughes Tool Company and TWA, have resulted in further control of TWA for which Board approval is required pursuant to section 408 of the Civil Aeronautics Act of 1938, as amended. Accordingly, subject hearing will be held on the issues raised by the aforesaid paragraphs (2) and (3) of the aforesaid Order Serial No. E-289, dated January 7, 1947.

For further details on this proceeding, interested parties are referred to the Examiner's Report of Prehearing Conference, served February 11, 1949. Said report is on file with the Dockets Section of the Civil Aeronautics Board.

Dated at Washington, D. C., August 10, 1949.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 49-6717; Filed, Aug. 17, 1949; 8:49 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 9413, 9414]

WAKE BROADCASTING CO. AND CAPE FEAR BROADCASTING CO. (WFNC)

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of H. W. Anderson, Joel Lawhon, C. E. Leeper, N. V. Pieler and W. T. Williams, d/b as Wake Broadcasting Company, Raleigh, North Caroline, Docket No. 9413, File No. BP-7025; Cape Fear Broadcasting Company (WFNC), Fayetteville, North Carolina, Docket No. 9414, File No. BP-7250; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 11th day of August 1949;

The Commission having under consideration the above-entitled applications of H. W. Anderson, et al., d/b as Wake Broadcasting Company, for a construction permit for a new standard broadcast station to operate on the frequency 1390 kilocycles, 1 kilowatt power, daytime only, at Raleigh, North Carolina, and of the Cape Fear Broadcasting Company for a construction permit to change the facilities of Station WFNC, Fayetteville, North Carolina, from 1450 kilocycles, 250 watts power, unlimited time, to 1390 kilocycles, 1 kilowatt power, unlimited time, utilizing a directional antenna at night;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, financial, technical and other qualifications of the applicant partnership and partners to construct and operate the proposed station and the financial, technical and other qualifications of the applicant corporation, its officers, directors and stockholders, to construct and operate Station WFNC as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and Station WFNC as proposed and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station and Station WFNC as proposed would involve objectionable interference with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the proposed station and Station WFNC as proposed would involve objectionable interference with the services proposed by each other or with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station and Station WFNC as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine the overlap, if any, that will exist between the service areas of the proposed station and of Station WVOT at Raleigh, North Carolina, and between the service areas of Station WFNC as proposed and Station WEWO at Laurinburg, North Carolina, the nature and extent thereof, and whether such overlap, if any, is in contravention of § 3.35 of the Commission's rules.

8. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-6727; Filed, Aug. 17, 1949; 8:52 a. m.]

[Docket Nos. 8417, 8714, 8919]

EVANGELINE BROADCASTING CO., INC. (KVOL) ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Evangeline Broadcasting Co., Inc. (KVOL), Lafayette, Louisiana, Docket No. 8417, File No. BP-5668; Radio Station KRMD (KRMD), Shreveport, Louisiana, Docket No. 8919, File No. BP-5983; Eldridge C. Harrell, Delbert Davison, Joseph Floyd Parks, Jr., Largent Parks, Ernest Henry Parks, Frances Parks Rain, and Elaine Parks Holcomb d/b as Lakewood Broadcasting Company, Dallas, Texas, Docket No. 8714, File No. BP-6309; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 11th day of August 1949;

The Commission having under consideration the above-entitled application for a construction permit to operate on 1480 kilocycles, with a power of 1 kilowatt, unlimited time, employing a directional antenna both day and night at Dallas, Texas;

It appearing, that the Commission on April 8, 1948, designated for hearing in a consolidated proceeding, presently scheduled to commence September 8, 1949, in Washington, D. C., the above-entitled applications of Evangeline Broadcasting Co., Inc. (KVOL), Lafayette, Louisiana, and of Radio Station KRMD (KRMD), Shreveport, Louisiana;

It is ordered, That pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of Lakewood Broadcasting Company, Dallas, Texas, is designated for hearing in the above consolidated proceeding, upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicant partnership and the partners to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with Station KPLT, Paris, Texas, or with any other existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

It is further ordered, That North Texas Broadcasting Company, licensee of station KPLT, Paris, Texas, is made a party to this proceeding.

It is further ordered, That the Commission's order of April 8, 1948, designating the above-entitled applications of Evangeline Broadcasting Co., Inc. (KVOL) and Radio Station KRMD (KRMD) for hearing, is amended to include the above-entitled application of Lakewood Broadcasting Company and the pertinent issues herein.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-6728; Filed, Aug. 17, 1949; 8:52 a. m.]

[Docket No. 8909]

CHANUTE BROADCASTING CO.

CORRECTED ORDER AMENDING ISSUES

In re application of Galen O. Gilbert, et al., d/b as Chanute Broadcasting Company, Chanute, Kansas, Docket No. 8909, File No. BP-5684; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 4th day of August 1949;

The Commission having under consideration the above-entitled application for a permit to construct a new standard broadcast station at Chanute, Kansas to operate on 1460 kilocycles, 250 watts power, daytime only;

It appearing, that the said application was designated for hearing April 29, 1948, to determine, inter alia, whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations, particularly with respect to the assignment of a Class IV station to a regional channel; and

It further appearing, that it cannot be determined from information supplied in the application that the applicant partnership and individual partners are financially qualified but that it does appear that they are legally, technically and otherwise qualified to construct and operate the proposed station and that the type and character of the program service proposed to be rendered would meet the requirements of the populations and areas proposed to be served;

It is ordered, That the Commission's order of April 29, 1948, designating the above-entitled application for hearing is amended to show the deletion of those portions of issue Number 1, relating to the qualifications of the applicant, other than financial, and issue Number 3, therefrom.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-6729; Filed, Aug. 17, 1949; 8:52 a. m.]

[Docket No. 9385]

BJARNE URSIN

ORDER CONTINUING HEARING

In the matter of Bjarne Ursin, Boston, Massachusetts, Docket No. 9385; application for Ship Radiotelephone Station.

The Commission having under consideration the matter of the application of Bjarne Ursin, 20 Providence Street, Boston, Massachusetts, for a ship radiotelephone license, scheduled for hearing before a Commission Examiner at 10:00 a. m., on August 29, 1949, at the Commission's offices in Washington, D. C., and a request dated August 3, 1949, submitted by Warner, Stackpole, Stetson and Bradlee, 84 State Street, Boston, Massachusetts, attorneys for Bjarne Ursin, requesting that the hearing in the above entitled matter be continued until a date between September 15 and 23, 1949, for the reason that Bjarne Ursin is out of the country and will not return until early September, 1949; and

It appearing, that the Bureau of Law of the Commission offers no objection to the requested continuance, and that there are no other parties of record in this hearing from whom objections may be received;

It is ordered, This 11th day of August 1949, that the hearing in the above entitled matter be continued until 10:00 a. m., on September 23, 1949, at the Commission's offices in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-6730; Filed, Aug. 17, 1949; 8:52 a. m.]

CLASS B FM BROADCAST STATIONS

ORDER AMENDING REVISED TENTATIVE ALLOCATION PLAN

In the matter of amendment of Revised Tentative Allocation Plan for Class B FM Broadcast Stations to change the channel allocated to McPherson, Kansas.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 27th day of July, 1949;

The Commission having under consideration an amendment to its Revised Tentative Allocation Plan for Class B FM Broadcast Stations so as to change the channel allocated to McPherson, Kansas, as follows:

	Channels	
	Delete	Add
McPherson, Kans.	277	281

It appearing, that there is pending before the Commission an application by McPherson Broadcasting Company for a construction permit for a new Class A FM station at McPherson, Kansas (File No. BPH–1216), to operate on Channel 276 (103.1 mc), which channel is adjacent to Channel 277 presently allocated to McPherson, Kansas; and that the Commission proposes to grant said application in a subsequent action; and

It further appearing, that the proposed amendment to the Allocation Plan is desirable in order to eliminate possible future adjacent channel interference as between stations operating on Channels 276 and 277 in McPherson, Kansas; and

It further appearing, that Channel 281, which is presently unallocated in this area, can be allocated to McPherson, Kansas, to replace the proposed deletion of Channel 277, will not reduce the number of channels presently allocated to any other area, and will not require a change in the channel assignment of any existing FM station or authorization; that there are no applications pending for Class B FM facilities at McPherson, Kansas; that the operation of Class B FM stations on Channel 281 at McPherson, Kansas, will not cause interference to any station existing, proposed, or contemplated by the FM Allocation Plan; and that no existing requirements of the Commission will be affected by said amendment; and

It further appearing, that the nature of the proposed amendment is such as to render unnecessary the public notice and procedure set forth in section 4 (a) of the Administrative Procedure Act; and that for the same reasons this order may be made effective immediately in lieu of the requirements of section 4 (c) of said act; and

It further appearing, that authority for the adoption of said amendment is contained in sections 303 (c), (d), (f) and (r) and 307 (b) of the Communications Act of 1934, as amended;

It is ordered, That, effective immediately, the Revised Tentative Allocation Plan for Class B FM Broadcast Stations is amended, so that the allocation to McPherson, Kansas, is changed as follows:

	Channels	
	Delete	Add
McPherson, Kans.	277	281

Released: July 29, 1949.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49–6731; Filed, Aug. 17, 1949; 8:53 a. m.]

[Change List 107]

MEXICAN BROADCAST STATIONS

LIST OF CHANGES, PROPOSED CHANGES AND CORRECTIONS IN ASSIGNMENTS

JULY 15, 1949.

Notification under the provisions of Part III, section 2 of the North America Regional Broadcasting Agreement.

List of changes, proposed changes, and corrections in assignments of Mexican Broadcast Stations modifying appendix containing assignments of Mexican Broadcast Stations (Mimeograph #47214–6) attached to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

MEXICO

Call letters	Location	Power	Time designation	Class	Probable date to commence operation
XEON	Tuxtla Gutierrez, Chis.	920 kilocycles, 1 kw	D	III–B	Aug. 1, 1949
New	Agua Prieta, Son.	1010 kilocycles, 1 kw	U	II	Sept. 1, 1949
New	La Barca, Jal.	1090 kilocycles, 250 w	D	II	Do.
XEON	Tuxtla Gutierrez, Chis.	1360 kilocycles (delete—see assignment on 920 kc).			
XEDS	Mazatlan, Sin.	1420 kilocycles, 500 w.–N/1 kw.–D (change in power; previously 500 w).	U	III–B	Aug. 1, 1949
XEGS	Sahuayo, Mich.	1450 kilocycles, 250 w. (increase in power; previously 100 w.).	U	IV	Oct. 1, 1949
New	Queretaro, Qro.	1570 kilocycles, 1 kw	D	II	Do.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 49–6732; Filed, Aug. 17, 1949; 8:53 a. m.]

GENERAL SERVICES ADMINISTRATION

War Assets

[Wildlife Order 5]

TRANSFER OF PORTION OF CAMP JOSEPH T. ROBINSON TO STATE OF ARKANSAS

Pursuant to the authority granted under Public Law 537, 80th Congress, notice is hereby given that:

1. By deed from the United States of America, dated June 29, 1949, to the State of Arkansas, acting by and through the Arkansas State Game and Fish Commission, a portion of that property known as Camp Joseph T. Robinson, and more particularly described in such deed, has been transferred from the United States to the State of Arkansas.

2. The above described property is transferred to the State of Arkansas for wildlife conservation purposes (other than migratory birds) in accordance with the provisions of said Public Law 537.

Dated: August 15, 1949.

JESS LARSON,
Administrator.

[F. R. Doc. 49–6747; Filed, Aug. 17, 1949; 9:02 a. m.]

[Wildlife Order 6]

TRANSFER OF A PORTION OF CAMP GRUBER TO STATE OF OKLAHOMA

Pursuant to the authority granted under Public Law 537, 80th Congress, notice is hereby given that:

1. By deed from the United States of America, dated June 29, 1949 to the State of Oklahoma, a portion of that property known as Camp Gruber, and more particularly described in such deed, has been transferred from the United States to the State of Oklahoma.

2. The above described property is transferred to the State of Oklahoma for wildlife conservation purposes (other than migratory birds) in accordance with the provisions of said Public Law 537.

Dated: August 15, 1949.

JESS LARSON,
Administrator.

[F. R. Doc. 49–6748; Filed, Aug. 17, 1949; 9:02 a. m.]

[Wildlife Order 7]

TRANSFER OF A PORTION OF PURCELL NAVAL AIR GUNNERY SCHOOL TO STATE OF OKLAHOMA

Pursuant to the authority granted under Public Law 537, 80th Congress, notice is hereby given that:

1. By deed from the United States of America, dated June 29, 1949, to the State of Oklahoma, a portion of that property known as Purcell Naval Air Gunnery School, and more particularly described in such deed, has been transferred from the United States to the State of Oklahoma.

2. The above described property is transferred to the State of Oklahoma for wildlife conservation purposes (other than migratory birds) in accordance with the provisions of said Public Law 537.

Dated: August 15, 1949.

JESS LARSON,
Administrator.

[F. R. Doc. 49–6749; Filed, Aug. 17, 1949; 9:03 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 50-30]

NATIONAL FUEL GAS CO. AND HANOVER GAS CORP.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 12th day of August 1949.

National Fuel Gas Company ("National"), a registered holding company, and its wholly owned non-utility subsidiary, Hanover Gas Corporation ("Hanover"), have filed a joint application pursuant to Rule U-100 (a) of the general rules and regulations of the Commission promulgated under the Public Utility Holding Company Act of 1935, seeking exemption from the provisions of Rules U-42, U-43, and U-46 of the dissolution of Hanover and the distribution by Hanover to National, as a liquidating dividend, of all its remaining assets, consisting solely of cash and government securities, after the payment of current liabilities.

It appearing to the Commission that National is the sole security holder of Hanover, and that the proposed transaction will result in the simplification of the holding company system of which National is a part; and

It further appearing that it is not necessary or appropriate in the public interest or for the protection of investors and consumers that the proposed transaction be subject to Rules U-42, U-43, and U-46;

It is therefore ordered, Pursuant to Rule U-100 (a) that the proposed liquidation of Hanover and the transactions incident thereto be, and the same hereby are, exempted from the provisions of Rules U-42, U-43, and U-46 promulgated under the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 49-6713; Filed, Aug. 17, 1949; 8:48 a. m.]

[File No. 70-2180]

NORTHERN STATES POWER CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 12th day of August A. D. 1949.

Northern States Power Company ("the Company"), a Minnesota corporation, which is a registered holding company and also an operating public utility company, having filed a declaration and an amendment thereto pursuant to section 7 of the Public Utility Holding Company Act of 1935 ("the act") and Rules U-23, U-24 and U-50 thereunder, with respect to the following transaction.

The Company proposes to issue and sell at competitive bidding, pursuant to the requirements of Rule U-50, $15,000,000 principal amount of its First Mortgage Bonds, Series due August 1, 1979 ("New Bonds"), the proceeds from which will be added to the general funds of the Company and used to provide part of the new capital required for the 1947-1951 construction program of the Company and its subsidiary companies. With the addition of such proceeds it is expected that the Company's general funds available during the year 1949 (which were augmented in March 1949 by $15,000,000 of bank loans due December 30, 1949) will provide the cash required by it for its expenditures under the construction program for the balance of the year 1949 and will enable the Company to invest $1,500,000 in additional common stock of its principal subsidiary, Northern States Power Company, a Wisconsin corporation, in aid of the latter's construction program. The price to be paid to the Company for the New Bonds, to be not less than 100% nor more than 102¾% of the principal amount thereof, and the coupon rate to be borne by the Bonds, to be a multiple of ⅛ of 1%, will be determined by competitive bidding.

The New Bonds will be issued under the provisions of the Company's existing Indenture dated February 1, 1937, from the Company to Harris Trust and Savings Bank, Trustee, as supplemented by Supplemental Trust Indentures dated June 1, 1942, February 1, 1944, October 1, 1945, and July 1, 1948, and as to be supplemented by a Supplemental Trust Indenture to be dated as of August 1, 1949.

The Company estimates that the fees and expenses to be incurred by it in connection with the transaction will aggregate approximately $112,000, including, in addition to statutory fees, printing and engraving, and miscellaneous expenses, the following fees for services rendered and to be rendered: To Flynn, Clerkin & Hansen, counsel to the Company, $8,500; to Haskins & Sells, for accounting services, $2,590; to Arthur Andersen & Co., for accounting services, $550. Gardner, Carton & Douglas, independent counsel to the underwriters, have filed a statement showing that their fee will be $5,000, to be paid by the successful bidders.

The Company has filed a further declaration (File No. 70-2195), hereafter to be considered, relating to the issues and sale of not less than 1,357,918 and not more than 1,584,238 shares of its common stock, to provide funds for the retirement of the aforesaid bank loans at or before maturity.

It appearing to the Commission that approximately 7.5% of the Company's property is located in the State of North Dakota, and that the Public Service Commission of that State has issued an order authorizing the issuance and sale of the New Bonds as herein proposed; and

The Commission finding with respect to the instant declaration as amended that the requirements of section 7 are satisfied and that there is no basis for imposing terms and conditions other than those hereinafter stated, and the Commission deeming it appropriate to grant declarant's request that the notice period under Rule U-50 be reduced to not less than 6 days and that the order herein be effective upon issuance;

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said declaration as amended be and the same hereby is permitted to become effective forthwith, and that the notice period under Rule U-50 be reduced to not less than 6 days, subject to the terms and conditions prescribed in Rule U-24 and to the following further terms and conditions:

(1) That the proposed issuance and sale of the New Bonds shall not be consummated until the results of competitive bidding pursuant to Rule U-50 shall have been made a part of the record in this proceeding and a further order shall have been entered by this Commission in the light of the record so completed, which order may contain such further terms and conditions as may then be deemed appropriate;

(2) That jurisdiction be and is hereby reserved with respect to the above-listed fees to be paid in connection with the proposed transaction.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 49-6711; Filed, Aug. 17, 1949; 8:48 a. m.]

[File No. 70-2193]

KANSAS POWER AND LIGHT CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 12th day of August 1949.

Notice is hereby given that an application-declaration has been filed pursuant to the Public Utility Holding Company Act of 1935 ("act") and the general rules and regulations promulgated thereunder by The Kansas Power and Light Company ("Kansas Power"), a subsidiary of The North American Company ("North American"), a registered holding company.

Notice is further given that any interested person may, not later than August 29, 1949, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application or declaration proposed to be controverted or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time thereafter such application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated pursuant to said act, or the Commission may except such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said application-declaration which is on

file in the office of this Commission, for a statement of the transactions therein proposed, which are summarized below:

Kansas Power, pursuant to an order of the Commission dated July 7, 1949, acquired by merger on July 20, 1949, all of the assets and liabilities of one of its two subsidiary companies, The Kansas Electric Power Company. Kansas Power now proposes to acquire all of the assets of its other subsidiary, The Blue River Power Company ("Blue River"), the common stock of which is jointly owned by Kansas Power and Commander Larabee Corporation ("Commander"), a non-affiliate, non-utility company.

Kansas Power, the owner of 1250 shares, no par value, of the common capital stock of Blue River, proposes to purchase for $25,000 cash from Commander the remaining issued and outstanding 1250 shares of the common capital stock of Blue River and to dissolve Blue River and transfer all of its assets to Kansas Power. Thereafter Kansas Power will cease to be a holding company.

The assets of Blue River consist principally of a small hydroelectric generating station, located near the City of Marysville, Marshall County, Kansas. The total assets of Blue River, per books as of December 31, 1949, amounted to $228,026.37, of which property and plant amounted to $214,017.33. As of the same date the reserve for depreciation and retirement of property was stated at $109,-304.24. The book value of the common stock, which is the only outstanding security of Blue River, amounted to $118,-503.31 as of December 31, 1948. Kansas Power states that the consideration to be paid was determined through arm's-length negotiations.

Kansas Power states that the property of Blue River is an integral part of the properties of Kansas Power, being interconnected with its electric system, and that Kansas Power presently purchases all of the production of Blue River's generating plant.

Kansas Power states that the proposed transactions are not subject to the jurisdiction of any other regulatory body. Kansas Power requests that the Commission issue its order herein at the earliest date possible for the reason that all of its outstanding common stock, now held by North American, is to be distributed on September 1, 1949, by North American to its own stockholders, pursuant to an order of the Commission dated July 20, 1949.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 49-6710; Filed, Aug. 17, 1949; 8:48 a. m.]

[File No. 812-608]

ADAMS EXPRESS CO. AND WILLIAM S. SCULL CO.

NOTICE OF APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 12th day of August A. D. 1949.

Notice is hereby given that The Adams Express Company, ("Adams"), 40 Wall Street, New York 5, New York, and William S. Scull Company ("Scull"), Front and Federal Streets, Camden, New Jersey, have filed an application pursuant to section 17 (b) of the Investment Company Act of 1940 for an order of the Commission exempting from the provisions of section 17 (a) of the act the proposed (1) repurchase by Scull from Adams of $75,000 principal amount of Scull 4½% Debentures dated January 1, 1946 and maturing December 31, 1955 at the principal amount thereof and accrued and unpaid interest to the closing date; (2) repurchase by Scull from Adams of 10,000 shares of the capital stock of the par value of $10 per share of Scull and warrants to purchase an additional 10,000 shares of such capital stock for an aggregate consideration of $75,000 and (3) issuance and delivery to Adams by Scull of $100,000 principal amount of a new issue of Scull 4½% Debentures to be dated August 1, 1949 (or such earlier date not earlier than July 1, 1949 as may be agreed upon) to mature February 1, 1955 and to bear interest from the date of issue at the rate of 4½% per annum in exchange for a like principal amount of Scull 4½% Debentures due December 31, 1955, now owned by Adams, appropriate adjustments of accrued interest to be made in connection with this transaction. The $100,000 principal amount of Scull 4½% Debentures due December 31, 1955, are to be cancelled by Scull and not reissued.

Adams is a closed-end, diversified, management investment company and is registered under the act. Of the securities of Scull, Adams owns (1) 10,000 shares or 10.2% of the 97,325 shares of the capital stock of the par value of $10 per share issued and outstanding; (2) warrants, expiring December 31, 1951, to purchase an additional 10,000 shares of such capital stock and (3) $175,000 principal amount of 4½% Debentures dated January 1, 1946, maturing December 31, 1955, being the total amount of such issue.

Mr. F. H. Boland, Jr., a vice president and member of the Board of Managers of Adams, is a member of the Board of Directors of Scull. Each of the applicants is, therefore, an affiliated person of each other within the meaning of section 2 (a) (3) of the act.

The proposed transaction involves the purchase of securities from a registered investment company (Adams) by an affiliated person of such registered investment company (Scull) and is prohibited by section 17 (a) of the act unless an exemption therefrom is granted by the Commission pursuant to the provisions of section 17 (b) of the act.

All interested persons are referred to said application which is on file at the Washington, D. C., office of this Commission for a more detailed statement of the matters of fact and law therein asserted.

Notice is further given that an order granting the application may be issued by the Commission at any time after August 29, 1949, unless prior thereto a hearing on the application is ordered by the Commission as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may, not later than August 26, 1949, at 5:30 p. m., e. d. s. t. in writing, submit to the Commission his views or any additional fact bearing upon the application or the desirability of a hearing thereon or request the Commission, in writing, that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., and should state briefly the nature and interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 49-6714; Filed, Aug. 17, 1949; 8:49 a. m.]

[File No. 812-610]

ADAMS EXPRESS CO. AND AMERICAN INTERNATIONAL CORP.

NOTICE OF APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 12th day of August A. D. 1949.

Notice is hereby given that The Adams Express Company ("Adams") and American International Corporation (AIC), each having its place of business at 40 Wall Street, New York, New York, have filed an application pursuant to Rule N-17D-1 of the rules and regulations promulgated under the Investment Company Act of 1940 regarding the proposed amendment by Adams and AIC, respectively, of their Employees' Retirement Plans.

Adams and AIC are closed-end, diversified, management investment companies registered under the act. At the date of the application, Adams owned approximately 66% of the common stock of AIC.

At the annual meetings of Adams and AIC held on February 26, 1946, substantially similar non-contributory Pension Plans were adopted by stockholders of each Company. Under each Plan, all employees other than directors (or managers of Adams) who are not likewise salaried employees, are eligible. During the last few years, Adams has been in control of AIC and during such period executive personnel, clerical staff and Boards have been substantially identical. Officers and employees while serving the two Companies currently receive separate pay checks, the aggregate of pay from the two Companies, however, being the individual's total full time compensation.

Under each Plan, an employee, member of the Plan, whose service is terminated for any reason prior to age 60, receives benefits or payments from either Company under the Plan only if he has been in the active service of that Company for 20 years. In that case, if he is

then involuntarily released through no fault or delinquency of his own (section III (2) (c) of each Plan), or, being at least 55, retires either at the request of the Company or at his own approved request (section III (2) (b) of each Plan), he will receive a pension deferred to 65, or, in the last mentioned case, a reduced immediate pension of equivalent actuarial value, in any such case computed under subsection (1) of section III of each Plan on the basis of past salary payments made by the Company which for 20 years has been his employer, and not salary payments made by the other Company.

It is now proposed to amend the respective Plans to provide, in effect, that any member who is employed by both Companies but has been in the active service of only one of the Companies for 20 years and, accordingly, is entitled to a pension under section III (2) (b) or section III (2) (c) of only one of the Plans shall be deemed to have been in the active service of both Companies for 20 years and entitled to such pension under both Plans, even though his period of active service for one Company shall, in fact, have been less than 20 years.

The maximum possible number of individuals to be affected is 7 in the case of Adams and 11 in the case of AIC. The estimated maximum number of dollars involved under the amendments in the event that all the individuals retire prior to the normal retirement age 65, will be $37,124 in the case of Adams and $96,593 in the case of AIC. It appears that the reserves presently prescribed under the two Plans will in any event be sufficient to meet such maximum payments and no additional contributions by either Company to the reserve will be required if the amendments are adopted, although, of course, to the extent that there prove to be voluntary or involuntary terminations of employment prior to any vested rights under the Plans as presently constituted, but with payments under the amendments, there will not be available for credit in future years some amounts otherwise available against further contributions.

Of the 18 individuals concerned, 4 are officers, 3 of them being members of the Board of Managers of Adams or the Board of Directors of AIC or both, and the aggregate maximum amount of annual pension benefits which will be preserved to those 4 if the amendments are effected, is $10,171.86, the highest individual amount being $5,247.91 a year.

After the proposed amendments, it will still be true that in no case can any individual receive from Adams a greater pension than the prescribed maximum under its Plan of $10,000 per year or from AIC a greater pension than the prescribed maximum under its Plan of $6,000 per year, or a total maximum from both Companies of $16,000.

The participation in any transaction in connection with any bonus, profit-sharing or pension plan or arrangement in which a registered investment company or a controlled company of a registered investment company is a participant is prohibited by Rule N-17D-1 under the act unless an application regarding such plan or arrangement has been filed with the Commission and has been granted by an order entered prior to the submission of such plan or arrangement to security holders for approval or prior to the adoption thereof if not so submitted.

All interested persons are referred to said application which is on file at the Washington, D. C., office of this Commission for a more detailed statement of the matters of fact and law therein asserted.

Notice is further given that an order granting the application may be issued by the Commission at any time after August 29, 1949, unless prior thereto a hearing upon the application is ordered by the Commission, as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may, not later than August 26, 1949, at 5:30 p. m., e. d. s. t., submit to the Commission in writing his views or any additional facts bearing upon this application or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issue of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 49-6712; Filed, Aug. 17, 1949; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 13612]

ALLGEMEINE WAREN-FINANZIERUNGS GESELLSCHAFT M. B. H.

In re: Bank account and securities owned by Allgemeine Waren-Finanzierungs Gesellschaft M. B. H. F-28-747.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Allgemeine Waren-Finanzierungs Gesellschaft M. B. H., the last known address of which is Schiessfach 12, Berlin W. 56, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation of Bank of New York and 5th Avenue Bank, 48 Wall Street, New York 15, New York, arising out of an unpaid draft account entitled Allgemeine Waren-Finanzierungs Gesellschaft M. B. H., Berlin, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same.

b. Five (5) United States Savings Bonds, Series C bearing the numbers C796705C/708C of $100.00 face value each and D254761C of $500.00 face value, presently in the custody of Bank of New York and 5th Avenue Bank, 48 Wall Street, New York 15, New York, in an account entitled Allgemeine Waren-Finanzierungs Gesellschaft M. B. H., Berlin, maintained at the aforesaid bank together with any and all rights thereunder and thereto,

c. One (1) Receipt of Treasury Department, Customs Service of New York numbered 4021 dated November 13, 1940, covering 3 13/40ths share issue number 159 Realty Corp., said receipt presently in the custody of the Bank of New York and 5th Avenue Bank, 48 Wall Street, New York 15, New York, in an account entitled Allgemeine Waren-Finanzierungs Gesellschaft M. B. H., Berlin, maintained at the aforesaid bank together with any and all rights thereunder and thereto, and

d. One (1) Receipt of Treasury Department, Customs Service of New York numbered 3809, dated October 31, 1940 covering the following:

2 coupons at $20 North German Lloyd 11-1-39,

$2500 Chilean Cons. Municipal Loan 31 yr 7% Ext SF GB Series A due 9-1-60 with 3-1-32 SCA,

$5500 C-ds St. Louis San Fran Ry. Co. for Prior Lien Mtg. 4% GB Series A due 7-1-50,

said receipt presently in the custody of the Bank of New York and 5th Avenue Bank, 48 Wall Street, New York 15, New York, in an account entitled Allgemeine Waren-Finanzierungs Gesellschaft M. B. H., Berlin, maintained at the aforesaid bank together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Allgemeine Waren-Finanzierungs Gesellschaft M. B. H., the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or other-

wise dealt with in the interest of and for the benefit of the United States, subject however, to the rights, if any, of the Sheriff of the County or City of New York and Paul Stauder, in and to said property arising out of the levies on said property under a warrant of attachment issued in an action entitled Paul Stauder, Plaintiff v. Dresdner Bank, Defendant, Supreme Court of New York, County of Queens.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in Section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 3, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-6737; Filed, Aug. 17, 1949; 9:01 a. m.]

[Vesting Order 13628]

GERLACH AND CIA, SUCRS.

In re: Bank accounts owned by Gerlach Cia, Sucrs. F-28-3091-E-1, E-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kurt Lindener, whose last known address is Hamburg 1, Mohlenhof Surchardstrasse 17, Germany, and Johannes Kulenkampff, also known as Juan Augusto Kulenkampff, whose last known address is c/o Conrad Heinrich Donner, Hamburg 1, Alsterdam, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That Gerlach and Cia, Sucrs. is a corporation, partnership, association or other business organization, organized under the laws of Guatemala, whose place of business is located in Guatemala City, Guatemala, and is or since the effective date of Executive Order 8389, as amended, has been controlled by or acting or purporting to act, directly or indirectly for the benefit of or on behalf of the aforesaid Kurt Lindener and Johannes Kulenkampff, also known as Juan Augusto Kulenkampff, and is a national of a designated enemy country (Germany);

3. That the property described as follows:

a. That certain debt or other obligation owing to Gerlach and Cia, Sucrs. by Bank of the Manhattan Company, 40 Wall Street, New York, New York, arising out of a checking account entitled "Gerlach and Co., Sucs", maintained with the aforesaid Bank, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation owing to Gerlach and Cia, Sucrs., by Central Hanover Bank and Trust Company, 70 Broadway, New York, New York, arising out of an account entitled "Gerlach and Cia, Sucrs", maintained with the aforesaid Bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Gerlach and Cia, Sucrs., the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

4. That Gerlach and Cia, Sucrs. is controlled by or acting for or an behalf of a designated enemy country (Germany) or persons within such country, and is a national of a designated enemy country (Germany).

5. That to the extent that the persons named in subparagraphs 1 and 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 4, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-6738; Filed, Aug. 17, 1949; 9:01 a. m.]

[Vesting Order 13631]

K. T. SUETOMI & CO.

In re: Debt owing to K. T. Suetomi & Co., F-39-5700-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kondo Toshio Suetomi, also known as K. T. Suetomi, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That K. T. Suetomi & Co., is a corporation, partnership, association or other business organization, organized under the laws of Peru, whose principal place of business is located in Lima, Peru, and is or since the effective date of Executive Order 8389, as amended, has been controlled by or a substantial part of the stock of which has been owned or controlled, directly or indirectly, by the aforesaid Kondo Toshio Suetomi, also known as K. T. Suetomi, and is a national of a designated enemy country (Japan);

3. That the property described as follows: That certain debt or other obligation owing to K. T. Suetomi & Co., by the Heymann Mercantile Co., Inc., 108 Worth Street, New York 13, New York, in the amount of $247.34, together with any and all accruals thereto and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

4. That K. T. Suetomi & Co. is controlled by or acting for or on behalf of a designated enemy country (Japan), or persons within such enemy country, and is a national of a designated enemy country (Japan).

5. That to the extent that the persons named in subparagraphs 1 and 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 4, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-6739; Filed, Aug. 17, 1949; 9:01 a. m.]

[Vesting Order 13653]

ELLA S. FORRESTER AND EMMA SCHNAUFFER

In re: Stock owned by Ella S. Forrester, also known as Ella S. Forrester-Seddig and Emma Schnauffer. F-28-23467-D-1 and A-1, F-28-23466-D-1, F-28-28913-A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ella S. Forrester, also known as Ella S. Forrester-Seddig, whose last known address is 4 Kurze Strasse, Leipsig, Germany, and Emma Schnauffer, whose last known address is Hensteig, Strasse 58, Stuttgart, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: Two (2) shares of $10 par value common stock of The North American Company, 60 Broadway, New York 4, New York, evidenced by a certificate numbered TF–554, registered in the name of Mrs. Ella S. Forrester, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Ella S. Forrester, also known as Ella S. Forrester-Seddig, the aforesaid national of a designated enemy country (Germany);

3. That the property described as follows: Three (3) shares of $10 par value common stock of The North American Company, 50 Broadway, New York 4, New York, evidenced by a certificate numbered T–285786, registered in the name of Emma Schnauffer, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Emma Schnauffer, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 10, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49–6740; Filed, Aug. 17, 1949; 9:01 a. m.]

[Vesting Order 12597, Amdt.]

MOTOI FUJIURA ET AL.

In re: Bank accounts, bonds, cash and stock owned by and debts owing to Motoi Fujiura and others.

Vesting Order 12597, dated December 31, 1948, is hereby amended as follows and not otherwise:

1. By deleting from subparagraph 3–h of Vesting Order 12597, the amount "$12,048.72" and substituting therefor the amount "$12,023.72".

2. By deleting from subparagraph 3–1 of Vesting Order 12597 the amount "$10.00" and substituting therefor the word "no".

3. By deleting from Exhibit C, attached to and by reference made a part of Vesting Order 12597, the line beginning, "K. Mikimoto Inc." and ending "Iwao (Iruao) Okada."

4. By deleting from Exhibit C, attached to and by reference made a part of Vesting Order 12597, the amount "$10.00", set forth with respect to the par value of each of the stock issues named in Column A below and substituting therefor the par value set forth, in Column B below, opposite the name of each such stock issue:

Column A	*Column B*
Delicious Fruit Farm Co	$50.00
Texas Arizona Petroleum Co	1.00
Mexico-American Petroleum Co	1.00
Columbia Oil Co	1.00
Nelson Petroleum Co	5.00
Interborough Consolidated Corp	No par
Caddo Central Oil & Refining Corp	No par

All other provisions of said Vesting Order 12597 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on August 10, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49–6743; Filed, Aug. 17, 1949; 9:02 a. m.]

[Return Order 370, Amdt.]

SOCIETE ALLIAGES AUTOPROTEGES

Return Order No. 370, dated July 19, 1949, is hereby amended in the following respect and not otherwise: By deleting from the description of the property ordered returned that portion thereof described as United States Patent Application Serial No. 272,992 and substituting therefor property described as United States Patent Application Serial No. 279,992.

All other provisions of said Return Order No. 370 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on August 15, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49–6745; Filed, Aug. 17, 1949; 9:02 a. m.]

[Return Order 140, Amdt.]

ROKUBEI SHIGA ET AL.

Return Order No. 140, dated June 11, 1948, is amended by striking therefrom the following:

Claimant, Claim No. and Property

Daishiro Takiguchi, guardian of Sakae Takiguchi, 3117 Moheau Street, Honolulu, T. H.; 11841; $6.00

and

Daishiro Takiguchi, guardian of Jitsuichi Takiguchi, 3117 Moheau Street, Honolulu, T. H.; 12000; $59.72

and substituting therefor:

Claimant, Claim No. and Property

Sakae Takiguchi, 3117 Moheau Street, Honolulu, T. H.; 11841; $6.00

and

Jitsuichi Takiguchi, 3117 Moheau Street, Honolulu, T. H.; 12000; $59.72.

All other provisions of said Return Order No. 140 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto, and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on Aug. 15, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49–6744; Filed, Aug. 17, 1949; 9:02 a. m.]

HELYONNE GENEVIEVE BARBUSSE ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Helyonne Genevieve Barbusse, 10 rue Albert de Lapparent, Paris, France, 37096; $73.88 in the Treasury of the United States.

Jean Marie Roger Ernest Charles Gauthier, 54 Av. de la Belle Gabrielle, Nogent sur Marne, France, 37102; $767.54 in the Treasury of the United States.

Roger Martin du Gard, 2 Boulevard de Cimies, Grand Palais, Nice, France, 30296; $860.96 in the Treasury of the United States.

Rene Fauchois, 38, rue Caulaincourt, Paris, France, 37106; $4,630.99 in the Treasury of the United States.

Property to the extent owned by each of the claimants immediately prior to the vesting thereof, described in Vesting Order No. 3430 (9 F. R. 6464, June 13, 1944; 9 F. R. 13768, November 17, 1944) relating to literary works listed under the names of said claimants in Exhibit A of the vesting order.

Executed at Washington, D. C., on August 15, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49–6746; Filed, Aug. 17, 1949; 9:02 a. m.]